

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION
CASE NO. 23-cr-80101-AMC

UNITED STATES OF AMERICA, Fort Pierce, Florida
Plaintiff, June 24, 2024

vs.

10:03 a.m. - 11:42 a.m.

DONALD J. TRUMP, WALTINE NAUTA, CARLOS
DE OLIVEIRA,

Defendant. Pages 1 to 90

TRANSCRIPT OF MOTIONS
BEFORE THE HONORABLE AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE GOVERNMENT:

U. S. DEPARTMENT OF JUSTICE
JAY I. BRATT, ESQ.
JAMES PEARCE, ESQ.
National Security Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

For the DEFENDANT:

Donald J. Trump

BLANCHE LAW
EMIL BOVE, ESQ.
TODD BLANCHE, ESQ.
99 Wall Street
Suite 4460
New York, New York 10005

CONTINENTAL PLLC
LAZARO P. FIELDS, ESQ.
255 Alhambra Circle
Suite 640
Coral Gables, Florida

KENDRA L. WHARTON
500 S. Australian Avenue
West Palm Beach, Florida 33401

1 Waltine Nauta

2 DADAN LAW FIRM
3 SASHA DADAN, ESQ.
4 201 S. 2nd Street
Suite 202
Fort Pierce, Florida 34950

5 BRAND WOODWARD LAW, LP
6 STANLEY WOODWARD, ESQ.
400 Fifth Street
7 Northwest Suite 300
Washington, DC 20001

8 Carlos De Oliveira

9 L.D. MURRELL, PA
10 LARRY DONALD MURRELL JR., ESQ.
400 Executive Center Drive
Suite 201
11 West Palm Beach, Florida 33401

12 E&W LAW
13 JOHN S. IRVING, ESQ.
14 1455 Pennsylvania Avenue, NW
Suite 1400
Washington, DC 20004

15 STENOGRAPHICALLY REPORTED BY:

16 LAURA E. MELTON, RMR, CRR, FPR
17 Official Court Reporter to the
18 Honorable Aileen M. Cannon
United States District Court
19 Fort Pierce, Florida

20

21

22

23

24

25

1 (Call to the order of the Court.)

2 THE COURT: Good morning. You may all be seated.

3 Please call the case.

4 COURTROOM DEPUTY: United States of

5 America v. Donald J. Trump, Waltine Nauta, and

6 Carlos De Oliveira. Case Number 23-cr-80101.

7 Will parties please state your appearance, starting
8 with Special Counsel.

9 MR. BRATT: Good morning, Your Honor. Jay Bratt and
10 James Pearce on behalf of the United States.

11 THE COURT: Good morning.

12 MR. BOVE: Good morning, Your Honor. Emil Bove,
13 Todd Blanche, Kendra Wharton, and Lazaro Fields, here for
14 President Trump, who is not here this morning with leave of the
15 Court.

16 THE COURT: Good morning to all of you.

17 MR. WOODWARD: Good morning, Your Honor.
18 Stanley Woodward and Sasha Dadan, on behalf of Mr. Nauta, who
19 also is not present, with leave of the Court. And then, my law
20 clerk, Ashleigh Bondoc, is here with us as well.

21 THE COURT: Good morning.

22 MR. IRVING: Good morning, Your Honor. John Irving and
23 Donnie Murrell on behalf of Mr. De Oliveira, who is also not
24 here.

25 THE COURT: All right. Good morning to everybody.

1 I hope everybody had a good weekend. We are set this
2 morning to hear argument on the second half of the motion
3 discussed on Friday. This is styled as President Trump's
4 motion to dismiss the indictment, based on unlawful funding of
5 Special Counsel Jack Smith. There is an opposition and reply,
6 along with some supplemental briefs with respect to a recent
7 Supreme Court decision on the Appropriations Clause. I have
8 reviewed all of those materials and I'm prepared to hear
9 argument.

10 I do want to note we have, as usual, our live feed
11 setup to the second-floor overflow room, for any additional
12 folks wishing to view this proceeding.

13 And so with that, Mr. Bove, are you going to be arguing
14 this morning?

15 MR. BOVE: Yes, Your Honor.

16 THE COURT: All right. Let me hear from you then, from
17 the lectern.

18 MR. BOVE: Thank you, Judge.

19 In this case, the Special Counsel's Office from its
20 inception, should not have been accessing the -- the permanent
21 and definite appropriation, and they should not be able to
22 access it going forward. In this criminal case, in this
23 setting, the Appropriations Clause operates as an important
24 restraint on the executive branch and their ability to make
25 cases like this.

1 Big picture, and I think some of this draws on some of
2 the things that we talked about on Friday, there are two main
3 flaws in the government's opposition to this motion. One is
4 that they're persisting in strained interpretations -- and I
5 think interpretations is generous -- of statutory text; and
6 second, there is irreconcilable tension between the position
7 with respect to the Appointments Clause and the independence of
8 Jack Smith. Textually with this appropriation, there is really
9 two terms I would like to cover this morning; one is the term
10 "other law," and the other is the term "independent counsel."

11 "Other law," I think, we spent a lot of time on on
12 Friday, Judge, because we're in -- are almost exclusively
13 talking about the same series of statutes that was at issue in
14 the Appointments Clause motion, 515, 533, and the interplay
15 between those statutes and, for example, 543 and 519.

16 THE COURT: So would you argue that -- would you agree
17 that the arguments travel together in terms of the other law
18 inquiry?

19 MR. BOVE: Yes, Judge. And I think what is important
20 here with respect to this piece of the -- the appropriation
21 that we're talking about, the text of the statute that we're
22 looking at, is that it requires a present, current analysis of
23 whether or not there is a valid appointment pursuant to, quote,
24 "other law." And so I will just incorporate the arguments that
25 we made in our briefing, and on Friday, with respect to the

1 relevant provisions of Title 28.

2 THE COURT: Before you jump into the merits, there is a
3 suggestion in the opposition and, I think, reasserted in the
4 supplemental brief by the Special Counsel, that you lack
5 standing to pursue this challenge. Can you address that issue?

6 MR. BOVE: Yes, Judge. I think that the one core that
7 is addressed -- the closest version of this argument to the one
8 that we're making, Stone -- looked at the standing question and
9 looked at it relative to whether injunctive relief was
10 available, and said that the appropriate means for vindicating
11 the types of concerns that we have on behalf of a criminal
12 defendant is a Rule 12(b) motion.

13 So I think the Stone case supports our -- the fact that
14 we have standing and the ability to bring a motion to dismiss
15 here on this basis. And that the McIntosh case from the Ninth
16 Circuit certainly supports that. And I think, in both cases,
17 they track through some other decisions, where -- I -- I --
18 look, I think there was a strategic decision in Stone to pursue
19 both injunctive relief -- to pursue both injunctive relief and
20 dismissal. We looked at the analysis and the -- the Younger
21 abstention analysis in Stone and decided that dismissal is the
22 appropriate avenue, but I think it's clear from Stone and
23 McIntosh that we can proceed this way.

24 THE COURT: So what is the -- what is the cognizable
25 injury that you're suffering that is fairly traceable to the

1 appropriation?

2 MR. BOVE: It is the imminent threat of the liberty
3 restraint on President Trump that would result from a
4 conviction in this case. And I think that McIntosh looks at it
5 exactly that way because there are defendants in that case who
6 had not been convicted yet, who were pursuing the appeal as
7 a mandamus petition. And the analysis of the Ninth Circuit in
8 McIntosh was basically -- there is a liberty interest at issue
9 here, and it's -- the threat of losing it is imminent in the
10 context of an ongoing criminal prosecution.

11 And so I -- my two best cases there are McIntosh and
12 Stone, and I think they squarely support what we're doing here.
13 And the cases -- especially the D.C. Circuit cases that the
14 Stone court walked through, although not criminal cases, the
15 abstention doctrine analysis there supports this manner of
16 proceeding as well.

17 THE COURT: Another preliminary question is: There is
18 also a suggestion that you're not actually raising a challenge
19 under the Appropriations Clause, because you're not challenging
20 the underlying constitutionality of the Appropriations Act in
21 1987 and, perhaps, for other reasons. Can you address whether
22 you are, in fact, bringing a challenge under the Appropriations
23 Clause and why you are, if that is the case?

24 MR. BOVE: Yes, Judge. We are -- this motion is
25 pursuant to the Appropriations Clause. Some of our arguments

1 which we'll get into rely on the text of the appropriation
2 itself. But ultimately, the Appropriations Clause functions in
3 two ways. There is a Congressional obligation to make
4 appropriations where necessary, but there is also a restriction
5 on the executive to only act in a way where there is a valid
6 appropriation. And I think that, as a general proposition,
7 this concept that the Appropriations Clause operates
8 as a -- on -- as a -- as relevant to both branches is made
9 pretty clear in one of the cases that the Special Counsel's
10 Office cites in their brief, OPM v. Richmond. This is the
11 Supreme Court at 496 U.S. 414.

12 "Any exercise of a power granted by the Constitution to
13 one of the other branches of government is limited by a valid
14 reservation of Congressional control over funds in the
15 Treasury."

16 And so our argument here, under that type -- that type
17 of analysis and the separation of powers concerns that it
18 implicates, is that there is not a valid appropriation that
19 authorizes what's going on here. So that is very much a
20 constitutional argument based on the Appropriations Clause with
21 the separation of powers implications that I have referenced
22 grounded in the text of the appropriation itself which does not
23 apply here.

24 THE COURT: Okay. So just so I understand it, your
25 argument is that the payment of money has to be authorized by

1 statute, and it's not authorized in this case, and, therefore,
2 it implicates the Appropriations Clause?

3 MR. BOVE: Correct, yes.

4 THE COURT: Okay. All right. Okay. Now, in terms of
5 the actual Appropriations Act, what we're dealing with -- and I
6 just want to hone in on the specific statutory language. Where
7 does it start and where does it end? There is a "provided
8 further" with a quotation to 28 U.S.C. 591 note, and then there
9 is some other references to what appear to be irrelevant
10 material such as Interpol. So I just want to make sure we're
11 talking about the same statutory appropriation.

12 MR. BOVE: Yes, Judge. So I -- our motion is focused
13 on Public Law 100-202. The main text of the motion -- the main
14 text that the motion is based on is the language that
15 begins -- begins: "Provided further, 28 U.S.C. 591 note" --
16 and ends with "other law."

17 There is some context in that paragraph that I think is
18 relevant to the Court's consideration of what Congress meant
19 when it chose those terms.

20 THE COURT: Does it include the next sentence:
21 "Provided further, that the comptroller general shall perform
22 semi-annual financial reviews of expenditures from the
23 independent counsel, permanent indefinite appropriation, and
24 report their findings to the committees on appropriations of
25 the House and Senate"?

1 MR. BOVE: That language is in the 1987 Public Law, but
2 when it was struck by Congress in 2009, pursuant to Public Law
3 111-68 -- and I was hoping to touch on that at some point this
4 morning. And I will just do it, I think, relatively quickly
5 here because there is, I think, some suggestion that Congress
6 having -- some suggestion that that Public Law in 2009
7 indicates that Congress revisited the appropriation and was
8 comfortable with the state of affairs, and so there is no need
9 for Your Honor -- I don't think that is right at all.

10 If Your Honor looks at Public Law 111-68, and this is
11 in Section 1501, what's really going on there is Congress went
12 through and struck a series of five audit requirements that GAO
13 was subject to. And the title of that section is: "Repeal of
14 Certain Audits, Studies, and Reviews of the Government
15 Accountability Office."

16 And so I -- you know, we got here in response to the
17 question of: Is that GAO language still a part of the
18 appropriation? It's not. And I'm just -- what I'm endeavoring
19 to do is to clarify that I think that the relevance of that
20 decision by Congress to strike that language is only that,
21 since 2009, the GAO has not been tasked with taking any kind of
22 look at what is going on with the -- the appropriations
23 language that precedes it.

24 THE COURT: So the two GAO reports, I think, that have
25 been issued, one with respect to Mr. Durham and one,

1 Mr. Fitzgerald, were those evaluating pre- or post-2009?

2 MR. BOVE: So I'm familiar with some analysis of the
3 Danforth appointment. Pursuant to this language, the GAO has
4 an independent obligation to look at and review expenditures
5 and conduct financial audits like this. It's cited -- it's a
6 provision of Title 31 that is cited in the Fitzgerald GAO
7 opinion.

8 And so the two opinions -- there is this argument about
9 the GAO looked at some of the Danforth expenditures immediately
10 after the Reno Regulations. Our position on that is that there
11 was nobody here with the types of interests that President
12 Trump has in this case to make the arguments that we're making.
13 And so that -- that review was -- was really just based
14 on -- was focused on the financial aspects of what was being
15 spent in connection with the Danforth investigation, which I
16 don't think led to criminal prosecutions and never created the
17 type of situation that we have here.

18 And then the analysis of the Fitzgerald appointment,
19 from what we submit, strongly supports our position here,
20 because that was a situation where 515(b) arguably applied
21 because Patrick Fitzgerald was a U.S. attorney who had been
22 appointed into this -- into that position. And so there was a
23 very different analysis on the statutory questions that we
24 talked about on Friday.

25 And in addition to that, in that case -- I think that

1 it was James Comey as acting -- struck -- or said
2 Mr. Fitzgerald is not subject to the Reno Regulations, which
3 are the relevant restriction on the independence of Jack Smith
4 that is, I think, a powerful part of our motion.

5 THE COURT: Okay. So, now, that we've isolated the
6 particular statute, my question is: Is there any cap to the
7 funding?

8 MR. BOVE: No. And I think that's part of the reason,
9 from a separation of powers perspective, to be very wary of
10 how -- who can access this and why, and especially in the
11 context of a criminal defendant with important rights in a
12 proceeding like this, for the Court to take a hard look, a look
13 that, we submit, has not been taken, based on some of the
14 arguments we've made, in any other case.

15 THE COURT: Are you familiar with any authority on the
16 constitutionality of fully unbounded appropriations?

17 MR. BOVE: I -- we -- especially following the CFPB
18 decision, which, I think, gives a -- "no" is the short answer,
19 that we're not making an argument that the --

20 THE COURT: In CFPB, was there some degree of a cap --

21 MR. BOVE: Yes.

22 THE COURT: -- for a percentage?

23 MR. BOVE: Yes.

24 THE COURT: Does that play at all into your argument?

25 MR. BOVE: We -- it does in the sense that

1 it -- it's -- it highlights the separation of powers problem
2 that the Special Counsel's Office is able to access an
3 indefinite, infinite budget to fund at least, you know, at this
4 point, two prosecutions in different districts. And it's
5 exactly the types of concerns that were raised in the hearings
6 that preceded the Reno Regulations, that there's no check on
7 the scope of what's going on here.

8 And so it's relevant -- the lack of a cap is relevant
9 to the separation of powers point that we're making.

10 THE COURT: All right. Okay. You can resume your
11 argument.

12 MR. BOVE: So with other -- the phrase "other law" --
13 as I said, we are just going to incorporate our statutory
14 arguments. But there's one piece here that the government is
15 making an argument that's a little bit different than some of
16 the things that we talked about on Friday. And the argument is
17 that the Reno Regulations can serve as, quote, "other law" for
18 purposes of this appropriation. And I just want to talk a
19 little bit about that, because that's just not right.

20 On Friday, the government's argument at the Reno
21 Regulations, I think, was that they can be rescinded at any
22 time, and that's one of the reasons that the Attorney General
23 has a check on the autonomy and the authority of Jack Smith.
24 But that very same feature of these regulations mean that they
25 are not, quote, "other law" for purposes of this appropriation.

1 And this is really an Administrative Procedures Act issue, and
2 it goes to the difference between a substantive regulation and
3 a regulation that is intended to serve as not a substantive
4 rule, which is the language in the Federal Register relating to
5 the Reno Regulations.

6 And if Your Honor looks at Chrysler v. Brown, this is a
7 Supreme Court case from 1979, the cite is 441 U.S. 281. That's
8 a case that talks about this distinction and goes to great
9 length to address the issue of what types of regulations have
10 the force of law, a phrase that I'm mindful the Nixon court
11 used with respect to the Watergate regulations. Those
12 regulations did not have this language about, "This is not a
13 substantive rule."

14 And so because of that carveout, that Attorney General
15 Reno placed on the current regulations that are at issue, these
16 regulations cannot be other law for purposes of the
17 appropriation under Chrysler. And there is similar language in
18 a case called Perez by the Supreme Court at 575 U.S. 92.

19 And so that's just, sort of, a technical point that I
20 wanted to make, that I think that that's a foreclosed argument.
21 That the government, to establish the appropriateness of
22 accessing this appropriation, based on other law, has to look
23 to these Title 28 statutes. For the reasons we discussed on
24 Friday, we submit that they cannot do that.

25 THE COURT: In the GAO report, was there some

1 discussion of the regulations and some characterization of the
2 regulations as not substantive? I'm summarizing, but I believe
3 there was some comment on the regulations in the direction that
4 you're speaking.

5 MR. BOVE: I -- so I don't think that the -- at least
6 the GAO was not focused on this argument directly, but there is
7 a footnote in the GAO report, Footnote 4, that makes an
8 important distinction between the old part 600 regulations, the
9 regulations that preceded the Reno Regulations, and the current
10 ones. And the distinction being -- the way that the GAO framed
11 it was, they're looking at the D.C. circuit's analysis, and the
12 D.C. circuit is saying basically, well, the Iran-Contra
13 regulations, which included the promulgation of the old part of
14 600 --

15 THE COURT: Uh-huh.

16 MR. BOVE: -- those basically mirror the Ethics in
17 Government Act. We don't see any support for the proposition
18 that the Reno Regulations do the same thing. The GAO is, of
19 course, exactly right. The Reno Regulations, in most respects,
20 do the opposite.

21 THE COURT: When you say "do the opposite," you mean
22 what?

23 MR. BOVE: They are restrictions on the independence of
24 any Special Counsel appointed pursuant to that authority that
25 did not exist at all in the Ethics in Government Act and in the

1 prior version of part 600 that was at issue in the Iran-Contra
2 regulations, in the Nofziger regulations, and in the savings
3 and loan regulations.

4 Because that -- that old 600, which mirrored the Ethics
5 in Government Act, granted the -- the regulatory Special
6 Counsel sort of appointed pursuant to those regs when the EGA
7 had lapsed. It was giving them authority that mirrored, almost
8 identically, the independent counsel from the Ethics in
9 Government Act.

10 THE COURT: Okay.

11 All right. Okay. Anything further with -- with
12 respect to the "other law"?

13 MR. BOVE: No, Judge.

14 THE COURT: What cases exist on the subject of
15 potential remedies in the area of Appropriations Clause
16 matters?

17 MR. BOVE: We are -- we are focused in the same -- I
18 think this is why it came up in the context of standing. A few
19 minutes ago, we were focused on McIntosh, the 9th Circuit, and
20 Stone, which obviously came out against us in the District of
21 Columbia.

22 I think --

23 THE COURT: Well, you're seeking dismissal here, but I
24 don't understand your motion to be seeking any sort of
25 injunction on continued spending. Is that correct?

1 MR. BOVE: That's correct.

2 THE COURT: Okay. So you're seeking one remedy less
3 than what was sought in McIntosh; correct?

4 MR. BOVE: Well, I think that what happened in McIntosh
5 is that, at the end of the opinion, the 9th Circuit says: We
6 defer to the district courts on the issue of remedy, but this
7 appropriations language under Appropriations Clause analysis
8 restricts the ability of DOJ to spend money on continued
9 prosecutions.

10 And so DOJ and the district courts will have to make a
11 decision about -- in that case, there was an evidentiary -- a
12 fact question about whether compliance with state law warranted
13 access to the appropriation that was at issue. And if that
14 fact question was answered in favor of the defendants, what is
15 going to happen next?

16 And we took a look at what happened next, because there
17 is ten cases consolidated in McIntosh and one of them, docketed
18 in the Eastern District of California at 13-cr-294, led to the
19 government dismissing the charges against three defendants
20 pursuant to Rule 48. And if you look at that filing, which is
21 at ECF Number 170 on that ED CAL docket, what you see is the
22 government saying: We can't meet our evidentiary burden. We
23 can't establish that we should have access to this
24 appropriation and, therefore, we acknowledge that we can't
25 proceed with the case."

1 And so our position is that the McIntosh 9th Circuit
2 analysis foreshadowed that type of outcome, and that that's
3 ultimately what happened when the government recognized that it
4 should not be accessing the appropriation in -- after the
5 courts interpreted the way it applied.

6 THE COURT: Okay. Are you -- I think there is some
7 discussion in your brief about comparing the degree of
8 independence of the -- the independent counsel under the
9 Independent Counsel Act versus the degree of independence under
10 the current regulatory framework.

11 Are you still persisting in that position, that there's
12 a mismatch in the degree of independence?

13 MR. BOVE: Yes. There's a mismatch and, as I said, an
14 irreconcilable difference between the government's position on
15 independence under the Appointments Clause the Appropriations
16 Clause. They have to say, on Friday, that they are not
17 independent; and today, they have to say that they are
18 independent to be able access this appropriation.

19 And our position is that both cannot be true. And I'd
20 would like to, if I could --

21 THE COURT: So setting that potential tension aside for
22 a moment, what, in fact, though, is the comparison? If you
23 were to do a side-by-side of the Special Counsel regulations
24 versus the Independent Counsel Act, what do you say is more or
25 less restrictive in the current posture?

1 MR. BOVE: So a few things, Judge. The -- start out
2 with the -- who's appointing the special prosecutor?
3 In -- under the EGA, it is the Special Division in the District
4 of Columbia ultimately making the appointment. And in at least
5 one example, when it was time -- when -- when the EGA was
6 renewed and it was time to decide what was going to happen with
7 Bob Fiske, that panel coming out differently than DOJ.

8 So that's -- under the Ethics in Government Act, judges
9 decide who the Special Counsel will be. Under the Reno
10 Regulations, the Attorney General decides. So that's one.

11 The second is the -- the authority that is sort of
12 invested in whoever is appointed into that role. And so under
13 the Ethics in Government Act, under 594(a), I think it's pretty
14 clear that Congress contemplated giving Special Counsel,
15 appointed pursuant to that provision, the full and independent
16 authority to exercise all investigative and prosecutorial
17 functions and powers of DOJ and the Attorney General. So that
18 the Ethics in Government Act created what was, in effect, a
19 parallel Attorney General, somebody with that level of
20 authority, appointed by courts, not the Attorney General who
21 was in power at the time.

22 The Reno Regulations are very different in this
23 respect. And so this is -- you know, I'm at point two of the
24 differences in independence. It's comparing 594(a) to a couple
25 of provisions in the Reno Regulations.

1 One is that the introductory -- introductory language
2 in the Federal Register, which says -- and this is for the Reno
3 Regulations -- says that: "Ultimate responsibility for the
4 matter and how it is handled will continue to rest with the
5 Attorney General."

6 THE COURT: That language doesn't feature in the
7 ultimate codified rule; correct?

8 MR. BOVE: That's correct. There are some features of
9 it that I think --

10 THE COURT: But what to make of that? Does it actually
11 form part of the regulation?

12 MR. BOVE: It informs the analysis -- it's not part of
13 the regulation, but it informs the analysis of what these terms
14 that I'm about to describe mean, and how both the DOJ and
15 Congress felt at this important period, for our motion, in
16 1999. A period where there was a hearing on whether or not to
17 renew the Ethics in Government Act, a period where Eric Holder
18 went to that hearing and said: The Department of Justice
19 thinks that the Ethics in Government Act should not be renewed
20 because the special prosecutors appointed to that provision,
21 among other things, are too independent.

22 And here the restrictions -- well, they didn't get that
23 far at the hearing, but the point was that was very much
24 language in the Federal Register that's consistent with the
25 hearing that led to the EGA not being renewed.

1 And so where do we see that that's a relevant
2 comparison to 549(a) in the Reno Regulations? 600.6 on the
3 books right now gives the Special Counsel, appointed pursuant
4 to that reg, the authority of all investigative and
5 prosecutorial functions of any United States attorney. So
6 the -- you know, instead of the full scope of the authority of
7 the Attorney General under the EGA -- that's 594(a) -- 600.6
8 restricts this to the authority of a United States attorney.

9 And there is another part that I think is important
10 here; it's 600.7, paragraph B. That paragraph contemplates a
11 situation where the Attorney General can review action by a
12 special counsel appointed pursuant to the Reno Regulations, and
13 decide that -- that the action, quote, "should not be pursued."

14 That is that countermanding concept, the veto concept
15 that came up on Friday and it's relevant here. This -- this is
16 part of it. This is point 2 on why a Special Counsel appointed
17 pursuant to the Reno Regulations is not independent for
18 purposes of the appropriation that we're talking about.

19 Point 3, this is a --

20 THE COURT: But you've argued that the Special Counsel
21 is taking inconsistent positions. But are you just doing the
22 same thing flip-flopped? So for appropriations, you want to
23 say there is insufficient independence, but on the Appointments
24 Clause matter with respect to superior/inferior, you're taking
25 the opposite view?

1 MR. BOVE: No. I -- our principal point -- and the
2 record, I think, is largely un rebutted. And there was an
3 exchange at the rebuttal on Friday, where no information was
4 provided about whether the Attorney General is actually
5 overseeing this.

6 Our principal point is on the Appointments Clause.
7 But -- because we understand that this motion and the text --
8 it has two alternative bases. And I think, you know, we're
9 very focused on the other law part, which is, the positions are
10 consistent there. This is an alternative argument. I have
11 given you our points --

12 THE COURT: Okay. So on the -- so this is -- I
13 understand that your position on other law is the same, but
14 with respect to the degree of independence, what I'm hearing is
15 that it's an alternative argument to the principal submission
16 which is that there is no other law; is that correct?

17 MR. BOVE: Correct.

18 And just that these things can't mean two separate
19 outcomes on the -- based on the text that we're dealing with
20 and the body of law that we're dealing with. Our position is
21 that there is not sufficient oversight; our position is on the
22 Appointments Clause.

23 THE COURT: But for the appropriations issue, if
24 the -- if the prosecutor had to be equal to the independent
25 counsel in the statutory scheme, then why would Congress have

1 referenced other law? Presumably, they don't need to be exact.

2 MR. BOVE: I think that the context of what Congress
3 was doing in this appropriation, historically, is important.
4 And I was hoping to cover some of that to get -- because I
5 think it does bear on what they meant by "other law." And at
6 the headline level, what was going on when this appropriation
7 went on the books, is that there was, admittedly, some
8 litigation over the Ethics in Government Act. But a week
9 before this appropriation went on the books, the Ethics in
10 Government Act had been renewed. And so it's in that setting
11 that Congress uses some other language, I think, with some --
12 with full confidence that the law -- that the EGA would be on
13 the books for another five years.

14 And what else was going on? The other law that was in
15 play mirrored exactly the Ethics in Government Act. What was
16 going on was that the Watergate regulations gave the full scope
17 of the type of independence that the Ethics in Government Act
18 ultimately adopted. And I have said, the Iran-Contra
19 regulations, which gave rise to that version of part 600, the
20 predecessor version that mirrors the Ethics in Government Act
21 were on the books. It happened again with the appointment of
22 James McKay and the Nofziger regulations and then, I think,
23 once more, with Bob Fiske, a regulatory independent counsel
24 appointed pursuant to the old part 600 that had the similar
25 levels of independence.

1 So when Congress, in 1987 in this appropriation, uses
2 the term "other law," they are saying that in the context of a
3 series of regulatory actions and litigation in court over what
4 it means to be independent. And at that point, there was every
5 suggestion that the political balance -- the people involved in
6 that were comfortable with the level of independence that was
7 reflected in the Ethics in Government Act. There
8 wasn't -- it's not as if when this appropriation went on the
9 books, that the Reno Regulations were in play and Congress was
10 contemplating that at some point, years later, there would be a
11 discussion about whether this was really the right path. That
12 wasn't foreseeable to them at all.

13 And I think that that historical context, all of these
14 regulations, the version of part 600 that was on the books at
15 the time, the fact that the Ethics in Government Act had just
16 been renewed, all of those features very much bear on, what did
17 Congress mean by independent counsel in 1987?

18 And that's the ultimate question. And I drill a little
19 bit of a temporal distinction with respect to how we think the
20 Court should look at "other law," which is a present
21 analysis -- analysis at present of whether there is another law
22 that allowed for this appointment, versus what it means to be
23 independent counsel, lowercase, in this appropriation.

24 We think "other law" is not an ambiguous statutory term
25 in the appropriation, and so what has to happen is basically

1 the analysis that we talked a little bit this morning and on
2 Friday, is there another law in November of 2022 that justified
3 this appointment? But on -- when you get to this question,
4 independent counsel, lowercase, there is ambiguity. And so
5 then the question is: What did Congress mean when this
6 appropriation was put on the books?

7 And so I won't go back through it, but I've talked a
8 little bit about the historical context. But another place to
9 look is the conference report that accompanied this
10 appropriation, and that conference report is numbered 100-498.
11 And there are two parts of it that I want to flag. And this
12 is -- it's a very long report. I don't have the page numbers,
13 but it's at the very end.

14 And Congress -- the conference addresses the two -- we
15 talked about three textual provisions of this appropriation at
16 the very beginning. The first refers to -- it starts: "That
17 of the funds appropriated to DOJ." And there is a specific
18 reference to activities of any independent counsel. It's the
19 language that precedes the "provided further." The conference
20 report makes clear that that money was intended to basically
21 refund expenditures that had been made on continuing
22 resolutions while DOJ was waiting for the Ethics in Government
23 Act to be renewed. And so that explains what Congress meant at
24 the first -- for that first --

25 THE COURT: Why is there a need to resort to

1 legislative history?

2 MR. BOVE: Because it's, we submit, an ambiguous term.
3 So we need to look at the context, the historical context of
4 what Congress would have been thinking about, the issues they
5 were grappling with when they chose the phrase, lowercase,
6 "independent counsel," and then, also, to look to the committee
7 report to get a very specific sense, the compromises that led
8 to these languages choices.

9 And I think that the next part of the conference report
10 bears directly on the question of this note to 28 U.S.C. 591.
11 And the conference report there is -- the discussion is limited
12 to the Ethics in Government Act. They don't even address what
13 other law might or could mean. And I think that's because at
14 this point, as I said, the Ethics in Government Act had been
15 renewed, and every regulatory action from DOJ contemplated the
16 same level of independence that Congress had implemented in the
17 Ethics in Government Act.

18 And so who cares? We care about that, Judge, because
19 looking at what "independent counsel" means in this
20 appropriation, we submit it's not consistent with what -- what
21 we have under the Reno Regulations.

22 THE COURT: All right. You had identified your view as
23 to some of the distinctions between the statutory framework and
24 the Special Counsel regulations. I think you'd addressed 600.6
25 and 600.7(b) .

1 Any other areas to identify?

2 MR. BOVE: Yes, Judge.

3 The third that I would flag relates to the policies and
4 procedures to which special counsel are subject. And so under
5 the Ethics in Government Act at 594(f)(1), that restricted
6 independent counsel to complying with, quote, "written or other
7 established policies of DOJ" -- quote, "respecting enforcement
8 of the criminal laws."

9 So the Ethics in Government Act restricted policy
10 compliance to written policies, and not -- not all DOJ
11 policies, only DOJ policies that concerned enforcement of the
12 criminal laws.

13 In the Reno Regulations, at 607, paragraph A, the
14 Department of Justice expanded that language to cover rules,
15 regulations, procedures, practices, and policies. And I think
16 practices, in particular, is a very important limitation on a
17 special counsel's ability to operate in a way that is
18 consistent with the Reno Regulations, relevant to what was
19 required under the Ethics in Government Act, written or other
20 established policies. And, for example, practices is very much
21 an issue in our selective prosecution motion; practices is very
22 much an issue for the Justice Manual provisions that we have
23 raised relating to election interference; and practices is
24 especially an issue with respect to the distinct election
25 interference we've raised regarding the 90-day rule that's

1 discussed in the Horowitz Report. And these are the kinds of
2 things that we're told, pursuant to the Reno Regulations, this
3 special counsel is subject to, that are very different from
4 what was going on under the Ethics in Government Act.

5 And what happens when there is a conflict? I think
6 that's another important question. From -- as best I can read,
7 the Ethics in Government Act really conferred discretion on the
8 Special Counsel to make decisions about when, whether, and how
9 they were in compliance with the policies that were at issue
10 under the EGA. The Reno Regulations in the same paragraph,
11 607, paragraph A, contemplate a consultation with the Attorney
12 General, and they contemplate that there may be situations
13 where the Attorney General sort of chooses -- charts a
14 different course for the -- for the Special Counsel. And so I
15 think that that's another important consideration.

16 The last distinction between the two that I would like
17 to draw, relates to the removal provisions. And so the removal
18 provision of the Ethics in Government Act is 596(a), and it's
19 focused on removal for good cause, disability, and conditions
20 that substantially impair performance. It really -- I -- the
21 text of that provision, 596(a), does not contemplate removal
22 over disagreements between the Attorney General and the Special
23 Counsel relating to how a case should proceed, disagreements
24 relating to, you know, within the bounds of prosecutorial
25 discretion, how that discretion should be exercised.

1 The -- the removal provisions -- and sorry. One more
2 point on that.

3 Justice Scalia talked about what good cause meant under
4 the Ethics in Government Act in his dissent in Morrison, and
5 talked about how that was a restriction. And he cited to a
6 report that related to the recent renewal of the Ethics in
7 Government Act in '87 that I referenced, that basically equated
8 good cause with misconduct. So that's -- that's a very high
9 bar and hard to imagine reaching that in most situations. But
10 the Reno Regulations do use that same phrase "good cause," but
11 they include that the -- good cause will -- can consist of a
12 violation of DOJ policy, which is, I think, a lower threshold
13 for -- excuse me -- for removal than what we had in the Ethics
14 in Government Act.

15 THE COURT: Okay. All right. Anything further on the
16 motion?

17 MR. BOVE: The last point, Judge, on terms of remedy --
18 we've talked about McIntosh and what I think are important
19 subsequent district court proceedings. The other case that,
20 sort of, at least in its reasoning, does -- operates in a
21 similar way to McIntosh is -- I apologize to the court
22 reporter -- Bilodeau, B-I-L-O-D-E-A-U, which is a First Circuit
23 case from 2022 that cites McIntosh at 24 F.4th 705. And the
24 language I'm focused on there is: We agree with this reading
25 of the rider and conclude, as the Ninth Circuit did, that the

1 "DOJ may not spend funds to bring prosecutions if doing so
2 prevents a state from giving practical effect to its medical
3 marijuana laws." In other words, if doing so is inconsistent
4 with the restrictions that are in the appropriation.

5 And I don't think there -- there is no substantive or
6 material distinction to be drawn between the affirmative
7 restriction on expenditures at issue in cases like McIntosh and
8 Bilodeau, and in the language of the appropriation that we're
9 focused on here. The bottom line, for purposes of our motion,
10 is that under the Appropriations Clause, in order for the
11 separation of powers to operate as it must under the
12 Constitution, the Special Counsel can only draw an
13 appropriation where his conduct, his activities, meet the text
14 of what the appropriation authorized. And because there is no
15 other law, and because for purposes of this motion we also
16 think that independence is a real problem, this appropriation
17 should not be accessed.

18 THE COURT: All right. Thank you, Mr. Bove.

19 Let me hear from counsel for the Special Counsel.

20 Good morning.

21 MR. PEARCE: Good morning. May it please the Court.

22 James Pearce for the United States.

23 Consistent with long-standing Department of Justice
24 practice, the government has funded the Special Counsel through
25 a Congressionally-enacted permanent and definite appropriation

1 passed in December of 1987. Under the plain terms of that law,
2 the Special Counsel is an independent counsel appointed by
3 other law, including 28, United States Code, 515(b) and 533(1),
4 as we discussed extensively last week. But even if the
5 permanent and definite appropriations were not available --

6 THE COURT: So you agree that the "other law" is a
7 statutory law that you've pointed to elsewhere?

8 MR. PEARCE: We do. I think I heard my friend on the
9 other say -- side suggest we were relying on the regulations.
10 We think it is the statutory law.

11 THE COURT: Okay.

12 MR. PEARCE: And the regulations don't provide
13 the -- independently for the appointment, but certainly, as we
14 discussed last week, once in place, are binding while extant.

15 THE COURT: And you agree this is -- this is a
16 limitless appropriation?

17 MR. PEARCE: Consistent with the idea of a permanent
18 indefinite appropriation, when Congress enacted it using that
19 term, that is the function that it had. There are a handful of
20 other permanent and definite appropriations. It does have that
21 function.

22 THE COURT: Can you point me to any comparable
23 limitless appropriation?

24 MR. PEARCE: Yes. So 31, United States Code -- I think
25 it's 1504 has one. Let me see if I can find it. There are two

1 in 31, United States Code. One has to do with refunding moneys
2 that were improperly deposited into the treasury, and the other
3 is for paying of judgments. I can give the Court the statutory
4 cites.

5 THE COURT: I have the first one. 31 U.S.C. 1504.

6 MR. PEARCE: Yeah. I apologize, because I had it on
7 hand and I cannot seem to find it.

8 THE COURT: That's okay. We'll revisit this.

9 MR. PEARCE: Yeah. But the point is there are at
10 least -- so, the GAO has issued something called the -- it's
11 something like "The Handbook on Federal Appropriations Law"
12 where it defines a permanent indefinite appropriation,
13 explaining that it is not limited by time or limited by amount,
14 and gives some examples, including the two that I have
15 mentioned.

16 THE COURT: Okay. And neither of those examples
17 contains any other formula or percentage or other means by
18 which to impose at least some degree of a cap. And I know in
19 the CFPB case, most recently, there was a percentage threshold
20 which features in that decision as one reason why it wasn't
21 problematic.

22 MR. PEARCE: So a couple of different responses, but I
23 found the cites, if I can give them --

24 THE COURT: Okay.

25 MR. PEARCE: -- to the Court, and then address the

1 question.

2 THE COURT: Let's do that.

3 MR. PEARCE: So at 31 U.S.C. 1304 -- I think I said
4 1504 -- so 1304 addresses the payment of judgments against the
5 United States. And then 31, United States Code, 1322(b)(2) is
6 the provision that deals with refunding amounts erroneously
7 collected and deposited into the treasury.

8 I think the Court's question involved whether there's
9 any other authority that addresses situations where there is
10 not some kind of a cap. I'm not aware of any law, and I don't
11 read, actually, the Supreme Court's decision in the recent CFPB
12 case to rely on the fact that there was the inflation -- the
13 cap that was adjusted for inflation that came out of the
14 federal -- the -- I think it was the Federal Reserve Board.
15 The Court described that by way of background, but certainly it
16 just said source and purpose is what's required to comply with
17 the Appropriations Clause.

18 THE COURT: Well, the thrust of that decision does seem
19 to be repeatedly focused on the existence of a cap,
20 which -- which does play into the majority opinions rationale.
21 But setting that aside for a moment, as far as the
22 current -- the current appropriation, do you agree with your
23 friend on the other side that the statutory language that we're
24 looking at is the -- provided further, ending with the words
25 "other law"?

1 MR. PEARCE: Yes. I think there's other pieces that
2 are relevant; for example, the reference earlier to -- you
3 know, capital letter, Independent Counsel, and then the later
4 reference to independent counsel in lowercase that suggests
5 that -- the difference between the two.

6 THE COURT: Okay. So -- but I want to make sure that I
7 have exactly -- what are we talking about when we say 28 U.S.C.
8 591 note? What's actually in the note? What is surviving
9 statutory text?

10 MR. PEARCE: So I'm not sure precisely what remains in
11 the note, but I can tell you that "a permanent and definite
12 appropriation established," that is still, you know, operative
13 language on which the -- the appropriation is based.

14 THE COURT: So is it just what I have indicated?
15 Starts with "provided further, 28 U.S.C. 591 note," and it ends
16 with the words "other law"?

17 MR. PEARCE: That is what I understand my friends on
18 the other side to challenge, and I think that is the core of
19 what the Court is to focus on. I don't under -- frankly,
20 the -- in between the quotation marks, the 28 U.S.C. 591 note,
21 I don't think that that plays any role in the analysis here.

22 The only point that I was making was where -- earlier
23 in this appropriation, there was the specific appropriation of
24 an amount not to exceed \$1 million that says "related to the
25 activities of any independent counsel." That just furthers the

1 distinction between the statutory independent counsel under the
2 Ethics in Government Act from independent counsel appointed
3 pursuant to other law, which is, of course, what we in the
4 Justice Department, for at least eight special counsels, has
5 relied on in using the permanent indefinite appropriation.

6 THE COURT: Okay. I'm still not entirely clear on what
7 statutory language survives for the appropriation. And I just
8 want to make sure that I'm looking at the surviving codified
9 text --

10 MR. PEARCE: Uh-huh.

11 THE COURT: -- in current law. So is it -- is it that
12 one reference, or is it some broader public law? Because I
13 understand there's been various amendments over the years to
14 the language.

15 So can you just clarify for the Court what specific
16 statutory language encompasses the appropriation that we're
17 discussing?

18 MR. PEARCE: "Provided further, 28 U.S.C. 591 note,
19 that a permanent indefinite appropriation is established within
20 the Department of Justice to pay all necessary expenses of
21 investigations and prosecutions by independent counsel
22 appointed pursuant to the provisions of 28 U.S.C. 591, et seq,
23 or other law."

24 THE COURT: Okay. Thank you. All right.

25 MR. PEARCE: So we think the principal question -- it

1 really boils down to what is an independent counsel? And the
2 regulations, the GAO opinions, the two courts' decisions that
3 have addressed this, both in the Stone and the Hunter Biden
4 case, as well as the longstanding practice of the department
5 funding eight special counsels under this appropriation with
6 Congressional acquiescence, all answers that in the
7 affirmative, that the Special Counsel is an independent
8 counsel.

9 Now, I'm not going to --

10 THE COURT: The Doctrine of Congressional Acquiescence
11 is not the most robust doctrine, I think case law would
12 indicate. So can we just focus on the text of the "other law"
13 and just confirm -- I take your position to be that your
14 arguments carry over completely from -- from the -- from the
15 Appointments Clause context.

16 MR. PEARCE: Yes. And I have no reason to repeat them,
17 unless the Court wants to hear them.

18 THE COURT: No, no. That's okay.

19 Okay. And you agree, of course, that Special Counsel
20 in this case was not appointed pursuant to 28 U.S.C. 591, which
21 doesn't exist; so we're focused again on the other law piece.

22 MR. PEARCE: Yes. And relying on the same statutes we
23 discussed on Friday.

24 THE COURT: Okay. Now, I noticed there were some
25 reports on the Special Counsel's Office web page indicating the

1 expenditures for six months. Is this a six-month practice, to
2 issue statements of expenditures?

3 MR. PEARCE: Yes. It's my understanding that for
4 six-month periods that run from March to September, Special
5 Counsel's Offices -- and one can find them for, I believe, all
6 eight that I have mentioned -- issue their expenditure reports.
7 The precise timing of it, I think, is not always identical, but
8 they do come out in six-month increments.

9 THE COURT: So the last report would have been issued
10 when?

11 MR. PEARCE: I believe the last report covers the
12 period ending in September 2023. There is a report that is
13 due -- that ends of March 2024 that has not been made public
14 yet.

15 THE COURT: How long does it take for the reports to
16 become public? Because we're in June now.

17 MR. PEARCE: That's what I was just alluding to a
18 moment ago. That is something that is, I think, outside of our
19 office's control, that there is -- the GAO -- well, actually,
20 I'm not sure if the GAO is involved in that specific portion of
21 it. I think, from just looking at the past reports, and this
22 is not a scientific answer, but sometimes it's taken as long as
23 a year. I think in -- in -- for this Special Counsel, it is
24 considerably less of a period of that.

25 But, for example, in our supplemental brief, we, I

1 think, cited a report that involved a report of four different
2 independent counsels, three under the Ethics in Government Act,
3 one independent regulatory counsel. And that had issued a full
4 year after the period that it covered. These come out more
5 quickly, but I cannot give the Court a more precise date.

6 THE COURT: And that's because -- what is the review
7 process? I know the regulations reference the initial
8 establishment of a budget and review by the Attorney General,
9 but what is the continuing review process for the budget
10 proposals and the expenditures?

11 MR. PEARCE: I am -- I don't know precisely, other
12 than -- what I just understand is generally accounting --
13 generally accepted accounting practices, to track the funds and
14 make sure that they are enumerated for purposes of identifying
15 an expenditure.

16 Beyond that, I don't have anything I can share with the
17 Court.

18 THE COURT: Okay. So, then, in terms of looking at the
19 actual expenditures, just taking one as an example, there is
20 one from the period of November 18th of '22 through March of
21 2023 with total SCO expenditures at 5.4 million. And then if
22 you refer further down in the report, there's a reference to
23 DOJ component expenses for another 3.8 million, again, for the
24 six-month period.

25 I just have a clarifying factual question. The

1 3.81 million coming for, what is described as, expenses
2 supporting the Special Counsel's Office, are those also being
3 paid for through the permanent indefinite appropriation?

4 MR. PEARCE: Top line answer, I don't know. I believe
5 it is true that that -- that -- well, it is paid -- everything
6 is paid for under the permanent indefinite appropriation, with
7 the caveat that -- and I'm not sure if this is in the
8 regulation -- but there is some sense that for individuals,
9 like myself, who are on detail from other parts of the Justice
10 Department, consistent with the regulations saying, "All parts
11 of the Justice Department should support the Special Counsel,"
12 I believe that those individuals are funded by their existing
13 components. But I don't want to say I'm certain about that.
14 That is my understanding, however.

15 THE COURT: So I'm just trying to just get a sense,
16 just monetarily, for that six-month period. It says, "Total
17 SCO expenditures, 5.4 million," but is it really more like 9
18 when you include the expenditures for the DOJ component
19 expenses that are also being paid for by the indefinite
20 appropriation?

21 MR. PEARCE: I -- I am not sure, is the -- is the
22 precise answer. I mean, we can certainly give the Court
23 something supplementally to enumerate with more precision, to
24 the extent that's consistent with our role in providing
25 information to the Court.

1 But I don't know the answer --

2 THE COURT: I think it would be helpful, since these
3 are public documents, just trying to understand what the full
4 universe of expenditures looks like. Since this is an
5 Appropriations Clause challenge, I do think it provides some
6 helpful context for the amount of money that is actually being
7 spent.

8 MR. PEARCE: I think that's fair. But just to be
9 clear, there is certainly no case, of which I'm aware, where
10 any court has suggested -- or at least any court that hasn't
11 been overruled or reversed -- that the total amount of the
12 expenditure is relevant to an Appropriations Clause challenge.

13 I agree with the Court --

14 THE COURT: But when it's limitless, I think that there
15 is a separation of powers concern that one needs to take a look
16 at.

17 Don't interrupt, please.

18 MR. PEARCE: I'm sorry, Your Honor.

19 THE COURT: And so that's the nature of my question.

20 MR. PEARCE: Could I just address that with one point,
21 Your Honor? If not, I'm happy to just respond, but I -- there
22 is one thing I would like to say in response to that.

23 THE COURT: You may.

24 MR. PEARCE: So I agree that that is absolutely -- what
25 you have just described is absolutely the thrust of the 5th

1 Circuit's opinion in the CFPB case that the Court then -- that
2 the Supreme Court then reversed.

3 And so I do think that there was that very separation
4 of powers concern there, but I read the Supreme Court's
5 decision saying what we are focused on is source and purpose.
6 And simply describing the cap is actually, essentially,
7 entirely doing away with the rationale that there is a
8 separation of powers problem.

9 THE COURT: Well, the Supreme Court, did it have
10 occasion to address the remedy, however, in CFPB, because it
11 found a lawful appropriation, and then -- so it didn't really
12 need to cover what to do about it? Would you agree with that?

13 MR. PEARCE: I would certainly agree that there was no
14 cause to address remedy there.

15 THE COURT: Okay. All right. Now, let's see here.
16 You've mentioned in your opposition that DOJ could readily fund
17 this through an alternative source. I wanted to give you an
18 opportunity to identify what that other alternative would be.

19 MR. PEARCE: So it's at a relatively high level of
20 generality, but the Department of Justice has appropriated, at
21 least in the 2023 appropriation cycle, over a billion dollars.
22 And I can represent to the Court that the government is
23 prepared to use money from -- money that is appropriated to the
24 Department of Justice to fund the -- the activities and
25 operations of the Special Counsel.

1 A more specific --

2 THE COURT: And that's just through the standard
3 Department of Justice allotment for, let's say, fiscal year
4 2024?

5 MR. PEARCE: That is my understanding, yes, Your Honor.

6 THE COURT: What are your views, if any, on any prior
7 expenditures? So to the extent you're -- to the extent, A,
8 there is a need to even tap an alternative funding source,
9 which, again, is to be determined, then what to do, if
10 anything, about the prior expenditures, in your view?

11 MR. PEARCE: Just so I -- to clarify so I understand
12 the question, on the assumption or on the -- kind of, the
13 operating hypothesis that we were -- the Special Counsel
14 was -- had not been entitled to; correct?

15 THE COURT: That's correct.

16 MR. PEARCE: So I think that retrospectively, there
17 should be no effect or change whatsoever. And there are a
18 couple of different places that I draw from in making that
19 point. One, I think the Court, the Supreme Court in a couple
20 of different contexts has suggested that you don't go
21 retrospectively -- look retrospectively to try to undo acts
22 that have happened. Most recently -- this is a decision a week
23 from Friday -- the United States Trustee v. John Hammond [sic]
24 involved a challenge under the Constitution's requirement that
25 bankruptcy laws be uniform. And there was a disuniformity

1 because there were fees that had been assessed in one place and
2 not in others. And the question was all about remedy there,
3 and it was, do we have some sort of retro- --

4 THE COURT: And I'm sorry. Where is that decision
5 coming out of?

6 MR. PEARCE: The United States Supreme Court.

7 THE COURT: In the Hammons case?

8 MR. PEARCE: The Hammons case, yes.

9 THE COURT: Yes.

10 MR. PEARCE: And the decision was -- or the question
11 for decision was: Do we look retrospectively or retroactively,
12 or is it a question of prospective parity? And the Court there
13 decided prospective parity was appropriate.

14 In addition -- and there was some reference in this,
15 actually, in some of the amicus filing, and we had a footnote
16 on it -- but the de facto officer doctrine which provides --
17 and this is cases like Ryder and Nguyen, although those come up
18 in the adjudicative context. There is a much older body of law
19 starting with a Supreme Court case called Norton v. Shelby
20 County from 1885 [sic], that basically says courts
21 don't -- it's a -- it's a common law approach because the
22 Constitution doesn't prescribe remedies for its own violation.
23 But courts don't go back and sort of undo -- if there's a
24 violation -- undo everything that has happened before it.

25 THE COURT: On that de facto piece, I didn't see a

1 substantive response in your opposition or to the Tillman
2 brief. It was, I think, flagged in a footnote but not
3 addressed. So what is the position of the Special Counsel on
4 application of the de facto officer doctrine? Because it
5 wasn't briefed.

6 MR. PEARCE: And just to be clear, that obviously came
7 up in the context of an Appointments Clause or employee
8 challenge.

9 I think it's -- it's twofold. One is the top-line
10 position that I just gave with respect to appropriations, which
11 is that we believe that de facto officer doctrine, to the
12 extent the Court were to find error or some sort of
13 constitutional, or, frankly, statutory violation with either
14 the appointments or the appropriations funding clause; but
15 then, second, to the extent that the Court is seriously
16 entertaining the notion that there is a constitutional or
17 funding problem, I actually think it would behoove the Court
18 and the parties to have some additional briefing.

19 I heard my friend on the other side mention a couple of
20 different things that weren't, I think, in their brief or their
21 reply. And so to the extent they would rely --

22 THE COURT: So this would be supplemental briefing on
23 what exactly?

24 MR. PEARCE: So if the Court -- and I would -- I think
25 the Court should -- should decide the top-line question, and if

1 there is a serious -- if the Court is seriously considering
2 finding a violation of --

3 THE COURT: I'm not indicating anything. I'm simply
4 just trying to cover the scope of what's been briefed here.
5 One piece was the de facto officer doctrine, and it was
6 conspicuously not answered by the Special Counsel in the
7 opposition or in the response to the Tillman -- excuse me --
8 the constitutional -- well, no, excuse me -- the Tillman brief,
9 as I said initially. That's why I'm asking what the position
10 is on the de facto officer doctrine. I hear you say that you
11 think it would apply if it ever needed to come into the
12 picture. And your best authorities for that are?

13 MR. PEARCE: As I -- as I was giving sort of. Norton
14 v. Shelby County from 1885 is -- is, I think, widely seen as
15 the leading case. The more modern versions of it are Ryder and
16 Nguyen.

17 Again, because this hasn't been briefed, I can let the
18 Court know the position of the United States was articulated
19 starting at page 26 of the -- of the government's brief in the
20 PROMESA Supreme Court case. There is a long discussion of it.

21 But if the Court were interested in more information on
22 this, then I -- I could -- I do think that some sort of
23 supplemental briefing would be appropriate.

24 THE COURT: Why was it not included in the initial
25 submission if it was -- if it was discussed, at least

1 peripherally in the briefing? I just -- it just seemed -- I
2 wasn't sure why it wasn't addressed, and it was just footnoted
3 but then not developed.

4 MR. PEARCE: So the only place that it was meaningfully
5 raised was in the Tillman brief, which argued, of course, that
6 the Special Counsel is an employee and not an officer at all.
7 To be candid with the Court, we find that to be not a
8 frivolous, but a -- an argument that finds no support in case
9 law and, thus, didn't warrant a developed substantive response
10 in that context.

11 THE COURT: Okay.

12 MR. PEARCE: You obviously have addressed the question
13 of remedy for the Appointments Clause. You had some discussion
14 with my friend on the other side; perhaps we will have some
15 discussion as well. But that is why we didn't see that it was
16 appropriate, given space constraints --

17 THE COURT: Understood.

18 MR. PEARCE: -- to develop it further.

19 THE COURT: Okay. Now, let's return to some of those
20 initial questions I asked Mr. Bove. There is an argument about
21 standing, sort of, in quotes, and I wanted to hear your view on
22 that. And I also wanted to hear your view on whether this is,
23 in fact, a constitutional challenge.

24 MR. PEARCE: So I will go in that order. The standing
25 in quotes is because we don't think that while the -- while the

1 defendants can raise a motion to dismiss, the relief they seek,
2 namely dismissal -- and this ties in, actually, with the
3 conversation that we were just having -- doesn't follow from
4 a -- a challenge to the -- the funding or Appropriations
5 Clause; that's the second question. And there is no Court
6 that, I think, has -- has discussed this; right?

7 So there was -- Stone had no reason to address the --
8 kind of, the remedy question, whether someone was -- because it
9 disagreed on the substantive question.

10 THE COURT: Of course.

11 MR. PEARCE: As to McIntosh, I think that's just a --
12 really, a very different case. That was an -- of course, as
13 the Court is aware, an appropriations rider. Rather than
14 saying: Is there an appropriation that funds the prosecution,
15 it was, instead, a -- a rider that prevented the expenditure of
16 any federal funds to -- to prosecute.

17 THE COURT: But either way, there was an argument that
18 there lacked statutory authorization for the expenditure. So
19 meaningfully, how do you differentiate the standing inquiry
20 between this situation and what the Court in the McIntosh case
21 encountered?

22 MR. PEARCE: And this is why I'm trying to -- to walk
23 back a little bit, this notion of standing. I -- I don't --
24 we're not trying to take the position that they can't get up
25 here and argue that there is some sort of a problem with the

1 funding. It's just it does not flow from that, that there is
2 dismissal, if that is, in fact, correct. Frankly, we think
3 nothing should happen given the representation that we can fund
4 it alternatively.

5 Now, I -- I --

6 THE COURT: Now, on the -- on the representation that
7 you can fund it alternatively, what sort of substantiation can
8 you offer about, sort of, the ease with which the Department
9 could -- could locate what is not an insignificant number as
10 we -- as we mentioned earlier?

11 MR. PEARCE: I can't stand before the Court and say it
12 would be done in one day, two days, five days. I can say that
13 it is the full commitment of the Department of Justice to
14 ensure that the Special Counsel has the funding that it needs
15 to continue in -- in this prosecution.

16 THE COURT: Okay. So you're not pursuing a traditional
17 standing objection, it's more in the vein of the remedy to be
18 sought?

19 MR. PEARCE: And the -- hence, that's why, in our
20 brief, we didn't start it. I mean, naturally, a standing
21 question would be one that what -- that would be addressed
22 first. It was -- after we addressed the substantive question,
23 it was to make the point that the defendants cannot
24 get -- or -- or should not be entitled to the relief that they
25 seek.

1 THE COURT: Okay. Now, so what about the -- there is
2 an argument in the supplemental brief about how the -- the
3 motion doesn't present a constitutional challenge to begin
4 with. And I wanted to hear your view, in light of some of the
5 Supreme Court characterizations of these challenges, as
6 instances in which the payment of money needs to be authorized
7 by a statute.

8 MR. PEARCE: So I -- I guess I don't see a whole lot
9 turning on the answer to this question one way or the other.
10 We still take the view that what they are challenging is the --
11 that application of this particular statute, and whether or
12 not, principally, the Special Counsel is an independent
13 counsel, also, the -- the "other law" piece. And, in our view,
14 that is a question of statutory interpretation and, thus, a
15 statutory issue.

16 To the extent that -- that they would like --

17 THE COURT: But that's what I want to develop here. I
18 mean, how is it not a constitutional challenge, when you have
19 the Appropriations Clause requiring or indicating that no money
20 shall be drawn from the Treasury. But in consequence of
21 appropriations made by law, you have Supreme Court cases saying
22 that in assessing this question, we have to determine whether
23 payment of money was authorized by a statute, and that's the
24 argument being raised. How is it not a constitutional
25 challenge under the Appropriations Clause?

1 MR. PEARCE: I don't want to fight this too much
2 because, as I said, I don't think it -- much actually turns on
3 it. I think our position would be, there are clearly moneys
4 appropriated to the Department of Justice that can be expended
5 on behalf of a special counsel. The fact that we draw from the
6 permanent indefinite appropriation, as opposed to, as I've
7 represented to the Court, some other place, is sort of an
8 allocation question, not necessarily --

9 THE COURT: But do you have any basis to believe that
10 it's not a constitutional challenge? On the one hand, you
11 could have a constitutional challenge, and then a
12 nonconstitutional one. And I want to just make sure that the
13 answer to that question is clear.

14 I haven't heard anything in your presentation to
15 dissuade from the view that it is, in fact, a constitutional
16 challenge.

17 MR. PEARCE: Again, I -- I don't need to fight it. I
18 think that -- the fact that there -- that what we are trying to
19 figure out is statutes make it statutory. The Court isn't
20 persuaded. Again, it's not something -- it's not a hill on
21 which I feel inclined to die. So...

22 THE COURT: Well, I certainly don't want that to
23 happen, Mr. Pearce. You're doing a very fine job arguing. So,
24 all right.

25 Let's see. Any other matters to raise with the Court

1 on the funding challenge?

2 MR. PEARCE: So to -- to kind of get back to the
3 arguments that I think my friend on the other side sort of
4 really focused on is whether the Special Counsel is an
5 independent counsel. In our view, that -- the answer to that
6 is yes. It flows from the regulations, GAO opinions, the two
7 courts that have looked at it. I know the Court -- I mentioned
8 also Congressional acquiescence, but I do think it is relevant
9 that all eight of the Special Counsels -- one independent
10 regulatory counsel, all seven of the special counsels that have
11 existed have been funded under the permanent indefinite
12 appropriation. I will say I --

13 THE COURT: All of those -- all of those funding
14 approvals, they all sort of trace back to the same -- same
15 statutory basis that you're bringing forward now; correct? The
16 515 and the 533?

17 MR. PEARCE: Yes, that's -- that is my understanding.
18 Yes.

19 THE COURT: Okay.

20 MR. PEARCE: And I -- and I'm -- I will stipulate I
21 agree that under the Ethics in Government Act, that independent
22 counsel had greater independence than the Special Counsel does
23 under the Special Counsel regulations. But, again, consistent
24 with the things I have just mentioned, GAO, the -- sorry -- the
25 regulations themselves, GAO, and the two courts that have

1 looked at this, it's -- it's our view that there is sufficient
2 independence. There's no day-to-day supervision. There is the
3 fact that under 600.6, the Special Counsel has the full
4 independent authority -- I think my friend on the other side
5 quoted it, but omitted the word "independent." And the very
6 purpose, of course, of the regulations was to strike that
7 balance between independence, but not so much independence that
8 became problematic under the EGA, some degree of accountability
9 as well.

10 THE COURT: So you acknowledge there is some -- some
11 reduction in the independence, compared to the independent
12 counsel's statute framework. But in your view, there's still
13 sufficient independence under the regulatory framework.

14 Is that a fair characterization?

15 MR. PEARCE: That is a fair characterization. I
16 believe that characterization also applies to the GAO's views
17 as of 2004 and going forward. GAO, of course, a part of
18 Congress. As well as the views of the judges overseeing the
19 Stone and the Hunter Biden matters.

20 THE COURT: So if you were to address more
21 particularly, though, let's say, taking the -- the removal
22 mechanism, how would you -- how would you say the independence
23 is comparable?

24 MR. PEARCE: Yeah. I mean, that's -- I think that's an
25 interesting question. Because on the one hand, there was for

1 cause removal under the Ethics in Government Act, and there was
2 for cause removal under the regulations as well. And I think
3 those two are -- there's no difference between the two.

4 But, of course, as we did mention when we discussed
5 this on Friday, unlike under the old EGA regime, there is the
6 possibility for the Attorney General to rescind the
7 regulations, to modify or rescind the order. I don't think
8 that that means that there is, therefore, less -- or that there
9 is no independence. It just makes sure that the Attorney
10 General is, in fact, the principal officer supervising and
11 overseeing the Special Counsel.

12 THE COURT: Are you aware of any regulation in the
13 space ever being rescinded?

14 MR. PEARCE: Any regulation, sorry, in the --

15 THE COURT: In this space, in this special prosecutor
16 arena.

17 MR. PEARCE: I believe that the various, kind of,
18 one-off regulations have been rescinded or certainly repealed
19 as new ones have come into place.

20 THE COURT: But no recision of the regulation in this
21 midstream appointment; correct?

22 MR. PEARCE: I am -- I am not aware of that, no.

23 THE COURT: Okay. So -- because there's a lot of
24 reliance on history and historical practices, and then there's
25 this -- this suggestion that, because the regulation can be

1 repealed at any time, there's -- there's a degree of control
2 there.

3 But in reality, has a regulation like this or an
4 appointment order ever actually been rescinded?

5 MR. PEARCE: So as I said, I'm not familiar with any
6 rescission of a regulation. There certainly have been special
7 prosecutors who have been fired, not only the sort of famous
8 Saturday night massacre, but going back historically --

9 THE COURT: But in the end, in that scenario, there was
10 a prosecutor that was ultimately reinstalled who completed his
11 work or her work; correct?

12 MR. PEARCE: That's correct, yes.

13 THE COURT: So, then, this notion of rescission is a
14 potential vacatur, so to speak, of appointment orders. Is it
15 really, sort of, an illusory possibility?

16 MR. PEARCE: I think that's not in the least correct,
17 and I think that --

18 THE COURT: Why not?

19 MR. PEARCE: So I think I addressed this when we talked
20 about it on Friday. I think the way that courts, and most
21 importantly the Supreme Court, have discussed this is not
22 looking at, you know, was there the exercise of the potential
23 powers of the principal officer or supervisor or director? It
24 was: Did that principal officer or supervisor or director have
25 the ability to do it?

1 I think I quoted or cited the penultimate paragraph
2 from the Arthrex decision, where the Chief Justice, I think,
3 said something like where the director had the discretion to
4 overrule the administrative patent judges. It's not a
5 question, thus, of what happens, you know, in reality every
6 day. It is: What are the, sort of -- under the statutory or
7 regulatory or relevant legal framework, what are the -- how is
8 power and -- sort of, structured?

9 THE COURT: I recall in Attorney General Reno's
10 statement in 1999, going through some of the pitfalls with the
11 former statute, one concern was that, realistically, the
12 political pressure was just too enormous to -- to ever -- ever
13 yank, so to speak, a special prosecutor.

14 But it seems, that in terms of historical practice,
15 that there hasn't really been any change because there's no
16 example of any special prosecutor ever being removed from
17 office.

18 MR. PEARCE: Well, again, there is some that predates
19 the Reno Regulations. But I think the answer to that is, under
20 the Armstrong case, the, sort of, presumption of regularity,
21 the notion, as I represented in court, that special counsels --
22 I'm not going to speak for those, but I will speak for ours --
23 have complied with -- whether it was a regulatory -- whatever
24 the specific framework was, typically regulatory, to ensure
25 that they are following Justice Department policy, that they

1 are complying with any, kind of, consultation or other
2 requirements.

3 I think that's the best account as to why there hasn't
4 been a termination of a special prosecutor. Again, I will
5 speak only on behalf of ours, but I think that's probably the
6 best way to understand that history.

7 THE COURT: So I think you have used the term
8 "regulatory Special Counsel," and I have heard that term in
9 some of the materials. Is that -- what does that mean, a
10 regulatory Special Counsel?

11 MR. PEARCE: So I think it's actually a little bit of a
12 misnomer. I think what it -- what it specifically was applied
13 to, as I -- as I understand, it was really Robert Fiske,
14 because he was the one special prosecutor, special counsel, who
15 was appointed at a time when the Ethics in Government Act had
16 lapsed and before it was reauthorized, that period from the end
17 of 1992 through -- I think it was June 30th of 1994.

18 And so he was appointed there -- I say a misnomer
19 because, as our conversations have -- today and Friday have
20 indicated, I think there has to be a statute backing that up.
21 So I think it has to have been under 515(b) or 533. But then I
22 understand the term "regulatory Special Counsel" -- or I think
23 it was "regulatory independent counsel," to differentiate
24 between a counsel who had been appointed under the statute,
25 that is the Ethics in Government Act, from someone who had been

1 appointed under the Attorney General's independent statutory
2 authority, and then operating under regulations of the Justice
3 Department as opposed to the EGA.

4 THE COURT: So are you saying the term "regulatory
5 Special Counsel," for example, in the GAO reports would concern
6 only those folks who had particular regulations passed during
7 those periods of time when the statute was constitutionally in
8 question?

9 MR. PEARCE: I -- I read the GAO reports to refer to
10 regulatory independent counsel as sort of synonymous with
11 Special Counsel in the modern era; meaning we distinguish it
12 from those people who were made independent counsel, capital I,
13 capital C, under the statute from those who have been come into
14 power because of the independent statutory appointment by the
15 Attorney General, and then that Special Counsel's operation
16 under the operative regulations.

17 THE COURT: Well, it's just interesting. I mean, why
18 would you call them a regulatory Special Counsel? It just kind
19 of begs the question: Well, where is the statutory authority
20 if we're describing them as such?

21 MR. PEARCE: So I think it's -- I think it's actually
22 independent -- and probably was my mistake to say it -- I think
23 it's independent regulatory counsel, not independent Special
24 Counsel. And that's -- I think the question you just asked is
25 why I think it's a misnomer; right? Because I think it is

1 making -- it is drawing a quick and easy --

2 THE COURT: But maybe it's telling.

3 MR. PEARCE: Well, I mean, first of all, it applies
4 just to Robert Fiske. But I think it's a --

5 THE COURT: Why does it apply only to him?

6 MR. PEARCE: Well, you know, it actually could apply to
7 the three also from former Attorney General Bill Barr that we
8 identified in our supplemental briefing -- our supplemental
9 notice last night.

10 For the reason I think I just gave, but to make sure
11 I'm clear, Robert Fiske was not appointed under the EGA
12 statute. It didn't exist at the time. It had lapsed. It
13 hadn't been expired. I think you would also say that with
14 respect to Frederick Lacey, Malcolm Wilke, and Nicholas Bua.
15 Although the IC statute, the EGA, was in existence, the
16 Attorney General there decided to use his own statutory
17 authority and make them -- and sort of have -- have supervision
18 over them through the regulations. So there was -- they were
19 independent regulatory counsel.

20 THE COURT: What's your best resource for this, kind
21 of, historical survey of special prosecutors, sometimes
22 referred to as independent counsels and, you know -- or
23 regulatory special counsels? Where is there the most
24 comprehensive historical survey of each of these individuals?

25 MR. PEARCE: I'm glad you asked. You asked that a

1 couple of times. You didn't ask me, and I wanted to give you
2 my recommendations.

3 I think there is a book by Terry Eastland, I think
4 called "Ethics" -- I can't remember the next part -- "and the
5 Independent Counsel." It was written in 1989, so it's somewhat
6 dated. But I think it has a very -- I'm not sure I'd call it
7 comprehensive, but certainly a more developed historical
8 discussion than a lot of the other sources.

9 THE COURT: It's cited, I think, by Justice Kavanaugh.

10 MR. PEARCE: Exactly. That was going to be my next --

11 THE COURT: Okay.

12 MR. PEARCE: Justice Kavanaugh cites it in that
13 independent counsel and the presidency article, which I think
14 also has some helpful history. But a lot of it is derivative
15 on the Eastland book.

16 THE COURT: Point. Okay. All right.

17 Now, what do you say to the suggestion that there is
18 this inherent tension, in your argument, between sort of
19 distancing from -- from pure independence and the discussion as
20 between principal and inferior versus in this appropriations
21 context, where greater independence is more consistent with the
22 appropriation?

23 MR. PEARCE: I think that is true of both sides in this
24 matter, and I think that's something -- you just mentioned the
25 Justice Kavanaugh article. It's something that he points up in

1 his piece on independent counsel and the presidency. It is
2 inherent in the effort to, on the one hand, ensure that --
3 whether we call it a independent counsel or a Special
4 Counsel -- has adequate independence when a situation presents
5 itself that requires the avoidance of conflict or somebody who
6 can operate outside of the typical Justice Department, sort of,
7 operations because it's investigating the Justice Department
8 itself or it's investigating some sort of high-ranking or
9 high-level political official.

10 And so wanting to balance that need for independence,
11 while, at the same time, not shifting so far over into a kind
12 of independent or Special Counsel that has sort of the kind of
13 free reign and sort of overly investigating that became the
14 concern that, I think, led to the lapse in the expiration of
15 the Independent Counsel Act.

16 Striking the balance between accountability and
17 independence, as Attorney General Reno said, in promulgating
18 the 1999 regulations.

19 THE COURT: Okay. Just a quick case law follow-up
20 from -- from Friday. Are you familiar or aware of any circuit
21 case law addressing whether a U.S. attorney is a superior or
22 inferior officer? I know there was a reference to Hilario, and
23 I think there's another case called Gantt, but I want to make
24 sure I have a full understanding of the current circuit law on
25 that question.

1 MR. PEARCE: Sure. And if I can mention one Supreme
2 Court case as well, which is the 1926 -- the Myers, M-Y-E-R-S,
3 case.

4 THE COURT: But did that address U.S. attorneys being
5 inferior?

6 MR. PEARCE: It -- so this is dicta. We don't have to
7 fight about whether dicta or not. But in dicta, the Court
8 there says some version of a district attorney, which at the
9 time was the modern U.S. attorney, is something like a --
10 clearly an inferior officer. So I think that's relevant to the
11 Court's question.

12 Beyond that, the cases that the Court just cited,
13 Hilario from the 1st circuit, Gantt from the 9th Circuit, I
14 believe, is --

15 THE COURT: One of those concerns an interim U.S.
16 attorney.

17 MR. PEARCE: Actually, honestly, I think both of them
18 discuss interims, in part. But I understand part of the
19 Court's rationale in both of those to decide that a U.S.
20 attorney is an inferior officer --

21 THE COURT: If they're exercising direction and
22 supervision, tracking Edmond.

23 MR. PEARCE: I think that's right. I'm pausing only --
24 yeah. So I think both were decided after -- after Edmond was.
25 But, yes, I mean, it is certainly, those courts' decisions

1 since 1978, the position of the United States as well, that
2 United States attorneys are inferior officers.

3 THE COURT: So am I correct that there would be only
4 one superior officer in the Department of Justice, and that's
5 the Attorney General?

6 MR. PEARCE: So the -- I -- I think that is the logical
7 conclusion that -- that flows from our argument. I am not
8 aware of the -- of the Department having taken a -- a position.
9 We have taken the position that United States attorneys are
10 inferior officers. We haven't had to take the position with --
11 I think the amicus for constitutional lawyers made a
12 representation to the Court that the Solicitor General is a
13 principal officer, and that the deputy attorney general is a
14 principal officer. That -- that is not a position on which the
15 United States has -- that is not a position the United States
16 has taken. And I -- and the consistent view from what -- what
17 I have told the Court is that the principal officer -- the
18 Attorney General would be the sole principal officer.

19 But I don't think the Court has to reach -- go that far
20 to -- to -- certainly, to resolve this motion and to deny it.

21 THE COURT: Is there anything question-producing about
22 that proposition that there would be only one principal officer
23 in the entire Department of Justice?

24 MR. PEARCE: I don't think that there would be anything
25 question-producing. I mean, for example, if you take the

1 handful of times that the Constitution has used the term
2 "principal officer," there is one in the opinions clause that
3 certainly suggests the president can get one opinion from a
4 principal officer; that's used twice in the 25th Amendment that
5 has to do with the incapacity of a president. And it
6 identifies a meeting of -- I don't have the precise language
7 here -- but the principal officers of all the executive
8 branches, which, certainly, Congress has understood as meaning
9 the cabinet, i.e., the top person in these executive branches.
10 So --

11 THE COURT: And what to make of the various
12 statute -- statutes that require, for example, U.S. attorneys
13 and the Solicitor General to go through the presidential
14 nomination and Senate confirmation process? What to make of
15 that statutory Congressional judgment for such high-level
16 individuals?

17 MR. PEARCE: So I think that that is Congress playing
18 an oversight role that it is fully statutorily entitled to do.
19 Certainly, Alexander Hamilton talks about that in the
20 76 Federalist Papers, saying that that kind of default -- and
21 that's my second point -- that kind of default process produces
22 better officers. Congress could certainly be of -- be of the
23 view that it produces better-quality officers when you have got
24 somebody who is not only nominated by the president, but
25 ultimately confirmed by the Senate. But that doesn't transform

1 it into a constitutional requirement; that is statutory.

2 I mean, there are plenty of individuals, as I think the
3 Court just said, for whom Congress provides for presidential
4 nomination/Senate confirmation, where the government has long
5 taken the position they're not U.S. attorneys is the best
6 example.

7 THE COURT: Assuming U.S. attorneys are not principal
8 officers --

9 MR. PEARCE: Certainly --

10 THE COURT: -- of course.

11 MR. PEARCE: -- which has, again, been our -- the
12 government's position since 1978.

13 THE COURT: Okay. There has been some discussion about
14 deference to Congressional judgments and certainly wouldn't be
15 a dispositive signal about the status of an officer
16 constitutionally. But what do you have to say about that, that
17 at some point, when you see Congress repeatedly subjecting
18 certain positions to that degree of process, that we would then
19 reach the inference that someone tantamount to that position
20 would also, necessarily, have to go through that same
21 procedure?

22 MR. PEARCE: So again, two responses. One is -- I
23 think the Court, a few minutes ago, raised the question about
24 how much weight and analysis, whatnot, to give Congressional
25 deference or -- or acquiescence. I think --

1 THE COURT: Well, I don't know if I would collapse the
2 two in that sense. Acquiescence is, essentially, inaction; and
3 what to make of that. And I'm saying, Congressional judgments
4 requiring, for example, U.S. attorneys to go through that
5 formal process, same with SGs.

6 MR. PEARCE: So two responses separate from the one
7 I -- I just made. One is, that is -- the idea of presidential
8 appointment or presidential nomination/Senate confirmation is
9 the default under the Constitution. But that isn't the test
10 for what makes somebody a principal officer. And so the fact
11 that Congress has done that, again, leads to better-quality
12 officers. But even just at a more practical level, I mean,
13 it's certainly my understanding that there are certain -- so,
14 officers in the military, where, the way the process works is
15 that there are lists of names that are just given, and then,
16 you know, the president says, okay, I nominate all these
17 people. Congress just says, check. And so it is a -- very
18 much a pro forma process, which --

19 THE COURT: But there is still a Congressional role,
20 however -- however quick. There is still Congress taking
21 advantage of its constitutional responsibility and entitlement
22 in the Appointments Clause; would you agree?

23 MR. PEARCE: I would certainly agree. And I think
24 Congress can -- probably, with some constitutional limits,
25 could probably do that. I don't think Congress could say, for

1 example, a president, him or herself, has to be
2 presidentially -- it wouldn't make any sense. But certainly,
3 Congress has its authority to do that.

4 But I just go back to the point that I made before,
5 that doesn't define -- or the scope of the constitutional
6 question.

7 THE COURT: Okay. All right. That's all I have.
8 Thank you, Mr. Pearce.

9 MR. PEARCE: Thank you very much.

10 THE COURT: All right. Mr. Bove.

11 MR. BOVE: Thank you, Judge.

12 There are just a few points that I would like to touch
13 on in response. The first -- I would like to start with the
14 text of the appropriation and the -- the language that precedes
15 it, and in particular, the significance of these two references
16 to the -- to the Ethics in Government Act, and the -- the
17 citations to 28 U.S.C.

18 And this is -- I'm not sure if it was an argument that
19 was presented to Judge Jackson in the District of Columbia, but
20 it's not one that made -- was analyzed in any meaningful way.
21 And I do think it's important, as the Court grapples with what
22 do these terms in the relevant appropriation mean?

23 But the language that precedes it -- and this is clear
24 from the conference report at 485 and 486 -- referred to money
25 that had already been spent, and referred to the idea that

1 there was going to be a reimbursement for money that had been
2 spent pursuant to these continuing resolutions,
3 while the -- while the DOJ was waiting for the EGA to be -- to
4 be renewed.

5 And so the significance of that is, that is why, in the
6 appropriation and that first paragraph, that's not the
7 operative paragraph, Congress referred to the EGA only and not
8 to other law. And I don't think that that -- that distinction,
9 the need to refund money that had already been spent, supports
10 the argument that there is -- this more restrictive view should
11 be provided to the -- the operative appropriation language. It
12 really just gets us back to what -- our main point, which is
13 that "other law" can't mean what the government is saying that
14 it means.

15 The -- the second point that I wanted to make, Judge,
16 is that Your Honor asked a question about -- have there been
17 situations where one of the sets of regulations has been
18 rescinded? As a practical matter, is this a real check?

19 And I agree that the answer is no; and that as a
20 practical matter, the answer is no. And I just wanted to sort
21 of re-highlight and draw the Court's attention that the one
22 thing that we have seen DOJ do with respect to these
23 regulations is that when the GAO was looking at Mr. Fitzgerald,
24 James Comey went back to the implementing order for Fitzgerald,
25 and -- and struck the application of the Reno Regulations in

1 order to convince, I submit, the GAO that Mr. Fitzgerald was
2 sufficiently independent to be able to access the
3 appropriation.

4 So the one example that's in the record of a time when
5 somebody acting with the authority of the Attorney General
6 modified one of these implementing orders, it supports our
7 position, not -- not harms it.

8 On the issue of remedy, I -- I think that Your Honor
9 hit this on the head, and I just wanted to -- to point back to
10 our citation to Judge Jones' concurrence in All American Check
11 Cashing in the Fifth Circuit, where I think, in a very
12 persuasive way, she walks through all of the different types of
13 ways that you can see in the Supreme Court's cases that
14 separate -- the specifics of a separation of powers problem can
15 bear on what the appropriate remedy is.

16 And we can see it in our supplemental briefing about
17 CFPB that there is some language about separation of powers
18 rejecting an argument that the associations in that case were
19 making. But what they were making was, I submit, a -- a
20 different type of argument. They're saying, generally
21 speaking, there is a problem with this appropriation --
22 it -- and there is a general separation of powers issue, not
23 necessarily linked to the enforcement actions that we are
24 facing, but categorically.

25 We are -- I submit, have a different situation here

1 with a very specific Special Counsel, taking a very specific
2 set of actions. And we laid out a position on behalf of a
3 defendant, who is very much aggrieved in these proceedings with
4 a liberty interest that is imminently threatened in all kinds
5 of ways, where that type of -- the type of relief we are
6 seeking, dismissal, is appropriate based on what Judge Jones
7 said and the -- and the authorities she laid out, and that the
8 Supreme Court, as Your Honor noted, didn't really have -- have
9 occasion to address in CFPB.

10 Another point on this topic of remedy. I provided to
11 Your Honor a citation to an Eastern District of California
12 case, where, following McIntosh, the defendants in McIntosh
13 went back to the district court. And the government -- the
14 Department of Justice -- voluntarily dismissed the charges
15 because, based on the reasoning of McIntosh, there wasn't
16 funding for the prosecution. And the language of the -- the
17 Rule 48 filing that's on the docket there, in substance, says:
18 We can't meet our evidentiary burden of establishing that we
19 should be able to access the appropriated funds for purposes of
20 this prosecution.

21 I already said all that. But my point is, Judge, we're
22 at this two-day hearing talking about whether and to what
23 extent Special Counsel's Office is acting in a way that is
24 consistent with and bound by DOJ practices? Did they talk to
25 them? Did they find -- did they find out why in the Eastern

1 District of California based on the reasoning in McIntosh, the
2 government -- the prosecutors, you know, in place under the
3 supervision of a U.S. attorney, decided to dismiss a case,
4 understanding fully, I submit, that if they hadn't chosen that
5 course, the Court would have done that for them? And instead,
6 based on that record in -- and literally, no representations to
7 Your Honor about the degree of oversight and whether things are
8 consistent with practices, just come in here and say dismissal
9 is not appropriate. I mean, this has happened, and it should
10 happen here.

11 This issue of the alternative sources of funding, I
12 just -- it's -- it's difficult for me to imagine how that is a
13 basis to resolve this motion, and I think what it really does
14 is highlight the separation of powers issues that we're talking
15 about. Because the Special Counsel's Office should not be able
16 to say, hypothetically, there are other appropriations that we
17 may be able to access; so, Your Honor, you shouldn't look
18 carefully at whether this permanent indefinite appropriation
19 with no cap, as Your Honor has observed, should apply here.

20 Because I submit, that if -- if Your Honor made a
21 ruling that -- that for the -- either or both of the two
22 reasons we've identified, that appropriation should not be
23 accessible to this Special Counsel -- and I think we have given
24 the Court all kinds of reasons that that is true. And I think
25 the Special Counsel's Office has provided legal argument but no

1 factual basis in the record to -- to really contest us -- I
2 think there would be a very strong political response to
3 actions by the Department of Justice, to say, actually, no,
4 we're going to take a mulligan on the permanent indefinite
5 appropriation, and we're going to take a look at another.

6 I think Congress would have a response. And certainly,
7 we might have another motion. Not just President Trump. We
8 have co-defendants here. And so we would react to that
9 differently as well. So that hypothetical, I think, only
10 highlights that this is a process governed by the
11 Appropriations Clause that requires -- that should require --
12 that contemplates real interaction between Congress looking at
13 these things and prosecutors carrying out their duties. And --
14 and what we have going on here is not that.

15 And, lastly, Your Honor's touched, with both sides,
16 on there is some inherent tension in this idea of what
17 independence means on Friday and what it means today. Well,
18 here is what I think it really means to us. Our position is
19 that more oversight from Congress is required for the
20 extraordinary things that are going on in these -- these
21 prosecutions. Extraordinary and unprecedented. And whether
22 that is more oversight on the front end, as contemplated for
23 principal officers, or at this point, based on a real
24 appropriations process, where current Congressmen are looking
25 at what is actually going on. That's our position. More is

1 required here, given what is at -- at stake.

2 The government's position, in contrast, is that much,
3 much less is required, that not much at all is required. And
4 that is, I think, disrespectful and an unacceptable way to the
5 separation of powers issues that we're talking about.

6 And I -- you know, one -- one way to really highlight
7 this, Judge, is we're going to come back this afternoon to talk
8 about -- just speaking for President Trump -- what is a truly
9 extraordinary effort -- extraordinary -- to gag his ability to
10 speak, including at -- at a debate, on the campaign trail?

11 Who -- who authorized that, Judge? Who authorized --
12 did the Attorney General authorize that motion o be filed? Is
13 that what you were told on Friday in vague terms but without
14 specifics? And I think it really brings to the head -- to a
15 head exactly what we're dealing with here and why at each and
16 every juncture in this case, we will push for that oversight
17 and try and illustrate ways that it is really falling apart.

18 THE COURT: All right. Thank you. That will conclude
19 our arguments this morning on the motion to dismiss. We will
20 resume at 3:00 p.m. to address the other bond modification
21 motion.

22 I wish you all a pleasant lunch, and we will see each
23 other at 3:00. Thank you.

24 (These proceedings concluded at 11:42 a.m.)
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I hereby certify that the foregoing is an accurate transcription of the proceedings in the above-entitled matter.

<u>DATE:</u> 06-24-2024	/s/Laura Melton
	LAURA E. MELTON, RMR, CRR, FPR
	Official Court Reporter
	United States District Court
	Southern District of Florida
	Fort Pierce, Florida

	26 [1] - 1:45:19	6	accounting [2] - 1:38:12
'22 [1] - 1:38:20	28 [13] - 1:6:1, 1:9:8, 1:9:15, 1:14:23, 1:26:10, 1:31:3, 1:34:7, 1:34:15, 1:34:20, 1:35:18, 1:35:22, 1:36:20, 1:66:17	600 [7] - 1:15:8, 1:15:14, 1:16:1, 1:16:4, 1:23:19, 1:23:24, 1:24:14	, 1:38:13
'87 [1] - 1:29:7	281 [1] - 1:14:7	600.6 [4] - 1:21:2, 1:21:7, 1:26:24, 1:52:3	acknowledge [2] - 1:17:24, 1:52:10
1		600.7 [1] - 1:21:10	acquiescence [4] - 1:36:6, 1:51:8, 1:64:25, 1:65:2
1 [1] - 1:34:24	3	600.7(b) [1] - 1:26:25	Acquiescence [1] - 1:36:10
100-202 [1] - 1:9:13	3 [1] - 1:21:19	607 [2] - 1:27:13, 1:28:11	Act [42] - 1:7:20, 1:9:5, 1:14:1, 1:15:17, 1:15:25, 1:16:5, 1:16:9, 1:18:9, 1:18:24, 1:19:8, 1:19:13, 1:19:18, 1:20:17, 1:20:19, 1:23:8, 1:23:10, 1:23:15, 1:23:17, 1:23:20, 1:24:7, 1:24:15, 1:25:23, 1:26:12, 1:26:14, 1:26:17, 1:27:5, 1:27:9, 1:27:19, 1:28:4, 1:28:7, 1:28:18, 1:29:4, 1:29:7, 1:29:14, 1:35:2, 1:38:2, 1:51:21, 1:53:1, 1:56:15, 1:56:25, 1:60:15, 1:66:16
100-498 [1] - 1:25:10	3.8 [1] - 1:38:23	7	act [1] - 1:8:5
111-68 [2] - 1:10:3, 1:10:10	3.81 [1] - 1:39:1	705 [1] - 1:29:23	acting [3] - 1:12:1, 1:68:5, 1:69:23
11:42 [1] - 1:72:24	30th [1] - 1:56:17	76 [1] - 1:63:20	action [3] - 1:21:11, 1:21:13, 1:26:15
12(b) [1] - 1:6:12	31 [6] - 1:11:6, 1:31:24, 1:32:1, 1:32:5, 1:33:3, 1:33:5	9	actions [4] - 1:24:3, 1:68:23, 1:69:2, 1:71:3
13-cr-294 [1] - 1:17:18	3:00 [2] - 1:72:20, 1:72:23	9 [1] - 1:39:17	activities [4] - 1:25:18, 1:30:13, 1:34:25, 1:41:24
1304 [2] - 1:33:3, 1:33:4	4	90-day [1] - 1:27:25	acts [1] - 1:42:21
1322(b)(2) [1] - 1:33:5	4 [1] - 1:15:7	92 [1] - 1:14:18	actual [2] - 1:9:5, 1:38:19
1501 [1] - 1:10:11	414 [1] - 1:8:11	9th [4] - 1:16:19, 1:17:5, 1:18:1, 1:61:13	addition [2] - 1:11:25, 1:43:14
1504 [3] - 1:31:25, 1:32:5, 1:33:4	441 [1] - 1:14:7	A	additional [2] - 1:4:11, 1:44:18
170 [1] - 1:17:21	48 [2] - 1:17:20, 1:69:17	a.m [1] - 1:72:24	address [13] - 1:6:5, 1:7:21, 1:14:9, 1:26:12, 1:32:25, 1:40:20, 1:41:10, 1:41:14, 1:47:7, 1:52:20, 1:61:4, 1:69:9, 1:72:20
1885 [2] - 1:43:20, 1:45:14	485 [1] - 1:66:24	ability [6] - 1:4:24, 1:6:14, 1:17:8, 1:27:17, 1:54:25, 1:72:9	addressed [9] - 1:6:7, 1:26:24, 1:36:3, 1:44:3, 1:46:2, 1:46:12, 1:48:21, 1:48:22, 1:54:19
18th [1] - 1:38:20	486 [1] - 1:66:24	able [7] - 1:4:21, 1:13:2, 1:18:18, 1:68:2, 1:69:19, 1:70:15, 1:70:17	addresses [3] - 1:25:14, 1:33:4, 1:33:9
1926 [1] - 1:61:2	496 [1] - 1:8:11	absolutely [2] - 1:40:24, 1:40:25	addressing [1] - 1:60:21
1978 [2] - 1:62:1, 1:64:12	5	abstention [2] - 1:6:21, 1:7:15	adequate [1] - 1:60:4
1979 [1] - 1:14:7	5.4 [2] - 1:38:21, 1:39:17	accepted [1] - 1:38:13	adjudicative [1] - 1:43:18
1987 [5] - 1:7:21, 1:10:1, 1:24:1, 1:24:17, 1:31:1	515 [2] - 1:5:14, 1:51:16	access [9] - 1:4:22, 1:12:10, 1:13:2, 1:17:13, 1:17:23, 1:18:18, 1:68:2, 1:69:19, 1:70:17	
1989 [1] - 1:59:5	515(b) [3] - 1:11:20, 1:31:3, 1:56:21	accessed [1] - 1:30:17	
1992 [1] - 1:56:17	519 [1] - 1:5:15	accessible [1] - 1:70:23	
1994 [1] - 1:56:17	533 [3] - 1:5:14, 1:51:16, 1:56:21	accessing [3] - 1:4:20, 1:14:22, 1:18:4	
1999 [3] - 1:20:16, 1:55:10, 1:60:18	533(1) [1] - 1:31:3	accompanied [1] - 1:25:9	
1st [1] - 1:61:13	543 [1] - 1:5:15	account [1] - 1:56:3	
2	549(a) [1] - 1:21:2	Accountability [1] - 1:10:15	
2 [1] - 1:21:16	575 [1] - 1:14:18	accountability [2] - 1:52:8, 1:60:16	
2004 [1] - 1:52:17	591 [9] - 1:9:8, 1:9:15, 1:26:10, 1:34:8, 1:34:15, 1:34:20, 1:35:18, 1:35:22, 1:36:20		
2009 [3] - 1:10:2, 1:10:6, 1:10:21	594(a) [3] - 1:19:13, 1:19:24, 1:21:7		
2022 [2] - 1:25:2, 1:29:23	594(f)(1) [1] - 1:27:5		
2023 [3] - 1:37:12, 1:38:21, 1:41:21	596(a) [2] - 1:28:18, 1:28:21		
2024 [2] - 1:37:13, 1:42:4	5th [1] - 1:40:25		
23-cr-80101 [1] - 1:3:6			
24 [1] - 1:29:23			
25th [1] - 1:63:4			

adjusted [1] - 1:33:13
 administrative [1] - 1:55:4
 Administrative [1] - 1:14:1
 admittedly [1] - 1:23:7
 adopted [1] - 1:23:18
 advantage [1] - 1:65:21
 affairs [1] - 1:10:8
 afternoon [1] - 1:72:7
 aggrieved [1] - 1:69:3
 ago [3] - 1:16:19,
 1:37:18, 1:64:23
 agree [14] - 1:5:16,
 1:29:24, 1:31:6, 1:31:15,
 1:33:22, 1:36:19, 1:40:13
 -, 1:40:24, 1:41:12,
 1:41:13, 1:51:21, 1:65:22
 -, 1:65:23, 1:67:19
 Alexander [1] - 1:63:19
 allocation [1] - 1:50:8
 allotment [1] - 1:42:3
 allowed [1] - 1:24:22
 alluding [1] - 1:37:17
 almost [2] - 1:5:12,
 1:16:7
 alternative [7] - 1:22:8,
 1:22:10, 1:22:15, 1:41:17
 -, 1:41:18, 1:42:8, 1:70:11
 alternatively [2] - 1:48:4
 -, 1:48:7
 ambiguity [1] - 1:25:4
 ambiguous [2] - 1:24:24
 -, 1:26:2
 Amendment [1] - 1:63:4
 amendments [1] - 1:35:13
 America [1] - 1:3:5
 American [1] - 1:68:10
 amicus [2] - 1:43:15,
 1:62:11
 amount [4] - 1:32:13,
 1:34:24, 1:40:6, 1:40:11
 amounts [1] - 1:33:6
 analysis [19] - 1:5:22,
 1:6:20, 1:6:21, 1:7:7,
 1:7:15, 1:8:17, 1:11:2,
 1:11:18, 1:11:23, 1:15:11
 -, 1:17:7, 1:18:2, 1:20:12,
 1:20:13, 1:24:21, 1:25:1,
 1:34:21, 1:64:24
 analyzed [1] - 1:66:20
 annual [1] - 1:9:22
 answer [11] - 1:12:18,
 1:37:22, 1:39:4, 1:39:22,
 1:40:1, 1:49:9, 1:50:13,
 1:51:5, 1:55:19, 1:67:19,
 1:67:20
 answered [2] - 1:17:14,
 1:45:6
 answers [1] - 1:36:6
 apart [1] - 1:72:17
 apologize [2] - 1:29:21,
 1:32:6
 appeal [1] - 1:7:6
 appear [1] - 1:9:9
 appearance [1] - 1:3:7
 application [3] - 1:44:4,
 1:49:11, 1:67:25
 applied [3] - 1:11:20,
 1:18:5, 1:56:12
 applies [2] - 1:52:16,
 1:58:3
 apply [5] - 1:8:23,
 1:45:11, 1:58:5, 1:58:6,
 1:70:19
 appointed [20] - 1:11:22
 -, 1:15:24, 1:16:6, 1:19:12
 -, 1:19:15, 1:19:20,
 1:20:20, 1:21:3, 1:21:12,
 1:21:16, 1:23:24, 1:31:2,
 1:35:2, 1:35:22, 1:36:20,
 1:56:15, 1:56:18, 1:56:24
 -, 1:57:1, 1:58:11
 appointing [1] - 1:19:2
 appointment [13] - 1:5:23, 1:11:3, 1:11:18,
 1:19:4, 1:23:21, 1:24:22,
 1:25:3, 1:31:13, 1:53:21,
 1:54:4, 1:54:14, 1:57:14,
 1:65:8
 appointments [1] - 1:44:14
 Appointments [10] - 1:5:7, 1:5:14, 1:18:15,
 1:21:23, 1:22:6, 1:22:22,
 1:36:15, 1:44:7, 1:46:13,
 1:65:22
 approach [1] - 1:43:21
 appropriate [8] - 1:6:10
 -, 1:6:22, 1:43:13, 1:45:23
 -, 1:46:16, 1:68:15, 1:69:6
 -, 1:70:9
 appropriated [5] - 1:25:17, 1:41:20, 1:41:23
 -, 1:50:4, 1:69:19
 appropriateness [1] - 1:14:21
 appropriation [70] - 1:4:21, 1:5:8, 1:5:20,
 1:7:1, 1:8:1, 1:8:6, 1:8:18
 -, 1:8:22, 1:9:11, 1:9:23,
 1:10:7, 1:10:18, 1:13:18,
 1:13:25, 1:14:17, 1:14:22
 -, 1:17:13, 1:17:24, 1:18:4
 -, 1:18:18, 1:21:18, 1:23:3
 -, 1:23:6, 1:23:9, 1:24:1,
 1:24:8, 1:24:23, 1:24:25,
 1:25:6, 1:25:10, 1:25:15,
 1:26:20, 1:30:4, 1:30:8,
 1:30:13, 1:30:14, 1:30:16
 -, 1:30:25, 1:31:16,
 1:31:18, 1:31:23, 1:32:12
 -, 1:33:22, 1:34:12,
 1:34:13, 1:34:23, 1:35:5,
 1:35:7, 1:35:16, 1:35:19,
 1:36:5, 1:39:3, 1:39:6,
 1:39:20, 1:41:11, 1:41:21
 -, 1:47:14, 1:50:6, 1:51:12
 -, 1:59:22, 1:66:14,
 1:66:22, 1:67:6, 1:67:11,
 1:68:3, 1:68:21, 1:70:18,
 1:70:22, 1:71:5
 appropriations [16] - 1:8:4, 1:9:24, 1:10:22,
 1:12:16, 1:17:7, 1:21:22,
 1:22:23, 1:31:5, 1:31:20,
 1:44:10, 1:44:14, 1:47:13
 -, 1:49:21, 1:59:20,
 1:70:16, 1:71:24
 Appropriations [23] - 1:4:7, 1:4:23, 1:7:19,
 1:7:20, 1:7:22, 1:7:25,
 1:8:2, 1:8:7, 1:8:20, 1:9:2
 -, 1:9:5, 1:16:15, 1:17:7,
 1:18:15, 1:30:10, 1:32:11
 -, 1:33:17, 1:40:5, 1:40:12
 -, 1:47:4, 1:49:19, 1:49:25
 -, 1:71:11
 approvals [1] - 1:51:14
 area [1] - 1:16:15
 areas [1] - 1:27:1
 arena [1] - 1:53:16
 arguably [1] - 1:11:20
 argue [2] - 1:5:16,
 1:47:25
 argued [2] - 1:21:20,
 1:46:5
 arguing [2] - 1:4:13,
 1:50:23
 argument [29] - 1:4:2,
 1:4:9, 1:6:7, 1:8:16,
 1:8:20, 1:8:25, 1:11:8,
 1:12:19, 1:12:24, 1:13:11
 -, 1:13:15, 1:13:16,
 1:13:20, 1:14:20, 1:15:6,
 1:22:10, 1:22:15, 1:46:8,
 1:46:20, 1:47:17, 1:49:2,
 1:49:24, 1:59:18, 1:62:7,
 1:66:18, 1:67:10, 1:68:18
 -, 1:68:20, 1:70:25
 arguments [9] - 1:5:17,
 1:5:24, 1:7:25, 1:11:12,
 1:12:14, 1:13:14, 1:36:14
 -, 1:51:3, 1:72:19
 Armstrong [1] - 1:55:20
 Arthrex [1] - 1:55:2
 article [2] - 1:59:13,
 1:59:25
 articulated [1] - 1:45:18
 Ashleigh [1] - 1:3:20
 aside [2] - 1:18:21,
 1:33:21
 aspects [1] - 1:11:14
 assessed [1] - 1:43:1
 assessing [1] - 1:49:22
 associations [1] - 1:68:18
 assuming [1] - 1:64:7
 assumption [1] - 1:42:12
 attention [1] - 1:67:21
 attorney [10] - 1:11:21,
 1:21:5, 1:21:8, 1:60:21,
 1:61:8, 1:61:9, 1:61:16,
 1:61:20, 1:62:13, 1:70:3
 Attorney [26] - 1:13:22,
 1:14:14, 1:19:10, 1:19:17
 -, 1:19:19, 1:19:20, 1:20:5
 -, 1:21:7, 1:21:11, 1:22:4,
 1:28:11, 1:28:13, 1:28:22
 -, 1:38:8, 1:53:6, 1:53:9,
 1:55:9, 1:57:1, 1:57:15,
 1:58:7, 1:58:16, 1:60:17,
 1:62:5, 1:62:18, 1:68:5,
 1:72:12
 attorneys [7] - 1:61:4,
 1:62:2, 1:62:9, 1:63:12,
 1:64:5, 1:64:7, 1:65:4
 audit [1] - 1:10:12
 Audits [1] - 1:10:14
 audits [1] - 1:11:5
 authorities [2] - 1:45:12
 -, 1:69:7
 authority [17] - 1:12:15,
 1:13:23, 1:15:24, 1:16:7,
 1:19:11, 1:19:16, 1:19:20
 -, 1:21:4, 1:21:6, 1:21:8,
 1:33:9, 1:52:4, 1:57:2,
 1:57:19, 1:58:17, 1:66:3,
 1:68:5
 authorization [1] -

1:47:18
 authorize^[1] - 1:72:12
 authorized^[7] - 1:8:25_,
 1:9:1_, 1:30:14_, 1:49:6_,
 1:49:23_, 1:72:11
 authorizes^[1] - 1:8:19
 autonomy^[1] - 1:13:23
 available^[2] - 1:6:10_,
 1:31:5
 avenue^[1] - 1:6:22
 avoidance^[1] - 1:60:5
 aware^[7] - 1:33:10_,
 1:40:9_, 1:47:13_, 1:53:12_,
 1:53:22_, 1:60:20_, 1:62:8

B

background^[1] -
 1:33:15
 backing^[1] - 1:56:20
 balance^[4] - 1:24:5_,
 1:52:7_, 1:60:10_, 1:60:16
 bankruptcy^[1] - 1:42:25
 bar^[1] - 1:29:9
 Barr^[1] - 1:58:7
 based^[13] - 1:4:4_,
 1:8:20_, 1:9:14_, 1:11:13_,
 1:12:13_, 1:14:22_, 1:22:19
 -, 1:34:13_, 1:69:6_, 1:69:15
 -, 1:70:1_, 1:70:6_, 1:71:23
 bases^[1] - 1:22:8
 basis^[5] - 1:6:15_, 1:50:9
 -, 1:51:15_, 1:70:13_, 1:71:1
 bear^[3] - 1:23:5_, 1:24:16
 -, 1:68:15
 bears^[1] - 1:26:10
 became^[2] - 1:52:8_,
 1:60:13
 become^[1] - 1:37:16
 begin^[1] - 1:49:3
 beginning^[1] - 1:25:16
 begins^[2] - 1:9:15
 begs^[1] - 1:57:19
 behalf^[7] - 1:3:10_,
 1:3:18_, 1:3:23_, 1:6:11_,
 1:50:5_, 1:56:5_, 1:69:2
 behoove^[1] - 1:44:17
 best^[7] - 1:7:11_, 1:28:6_,
 1:45:12_, 1:56:3_, 1:56:6_,
 1:58:20_, 1:64:5
 better^[3] - 1:63:22_,
 1:63:23_, 1:65:11
 better-quality^[2] -

1:63:23_, 1:65:11
 between^[20] - 1:5:6_,
 1:5:15_, 1:14:2_, 1:15:8_,
 1:18:14_, 1:26:23_, 1:28:16
 -, 1:28:22_, 1:30:6_, 1:34:5_,
 1:34:20_, 1:35:1_, 1:47:20_,
 1:52:7_, 1:53:3_, 1:56:24_,
 1:59:18_, 1:59:20_, 1:60:16
 -, 1:71:12
 beyond^[2] - 1:38:16_,
 1:61:12
 Biden^[2] - 1:36:3_,
 1:52:19
 big^[1] - 1:5:1
 Bill^[1] - 1:58:7
 billion^[1] - 1:41:21
 Bilodeau^[2] - 1:29:22_,
 1:30:8
 BILODEAU^[1] - 1:29:22
 binding^[1] - 1:31:14
 bit^[7] - 1:13:15_, 1:13:19
 -, 1:24:19_, 1:25:1_, 1:25:8_,
 1:47:23_, 1:56:11
 Blanche^[1] - 1:3:13
 Board^[1] - 1:33:14
 Bob^[2] - 1:19:7_, 1:23:23
 body^[2] - 1:22:20_,
 1:43:18
 boils^[1] - 1:36:1
 bond^[1] - 1:72:20
 Bondoc^[1] - 1:3:20
 book^[2] - 1:59:3_,
 1:59:15
 books^[8] - 1:21:3_,
 1:23:7_, 1:23:9_, 1:23:13_,
 1:23:21_, 1:24:9_, 1:24:14_,
 1:25:6
 bottom^[1] - 1:30:9
 bound^[1] - 1:69:24
 bounds^[1] - 1:28:24
 BOVE^[35] - 1:3:12_,
 1:4:15_, 1:4:18_, 1:5:19_,
 1:6:6_, 1:7:2_, 1:7:24_, 1:9:3
 -, 1:9:12_, 1:10:1_, 1:11:2_,
 1:12:8_, 1:12:17_, 1:12:21_,
 1:12:23_, 1:12:25_, 1:13:12
 -, 1:15:5_, 1:15:16_, 1:15:23
 -, 1:16:13_, 1:16:17_, 1:17:1
 -, 1:17:4_, 1:18:13_, 1:19:1_,
 1:20:8_, 1:20:12_, 1:22:1_,
 1:22:17_, 1:23:2_, 1:26:2_,
 1:27:2_, 1:29:17_, 1:66:11
 Bove^[5] - 1:3:12_, 1:4:13
 -, 1:30:18_, 1:46:20_,

1:66:10
 branch^[1] - 1:4:24
 branches^[4] - 1:8:8_,
 1:8:13_, 1:63:8_, 1:63:9
 BRATT^[1] - 1:3:9
 Bratt^[1] - 1:3:9
 brief^[11] - 1:6:4_, 1:8:10_,
 1:18:7_, 1:37:25_, 1:44:2_,
 1:44:20_, 1:45:8_, 1:45:19_,
 1:46:5_, 1:48:20_, 1:49:2
 briefed^[3] - 1:44:5_,
 1:45:4_, 1:45:17
 briefing^[7] - 1:5:25_,
 1:44:18_, 1:44:22_, 1:45:23
 -, 1:46:1_, 1:58:8_, 1:68:16
 briefs^[1] - 1:4:6
 bring^[2] - 1:6:14_, 1:30:1
 bringing^[2] - 1:7:22_,
 1:51:15
 brings^[1] - 1:72:14
 broader^[1] - 1:35:12
 brown^[1] - 1:14:6
 Bua^[1] - 1:58:14
 budget^[3] - 1:13:3_,
 1:38:8_, 1:38:9
 burden^[2] - 1:17:22_,
 1:69:18

C

cabinet^[1] - 1:63:9
 CAL^[1] - 1:17:21
 California^[3] - 1:17:18_,
 1:69:11_, 1:70:1
 campaign^[1] - 1:72:10
 candid^[1] - 1:46:7
 cannot^[6] - 1:14:16_,
 1:14:24_, 1:18:19_, 1:32:7_,
 1:38:5_, 1:48:23
 cap^[9] - 1:12:6_, 1:12:20
 -, 1:13:8_, 1:32:18_, 1:33:10
 -, 1:33:13_, 1:33:19_, 1:41:6
 -, 1:70:19
 capital^[3] - 1:34:3_,
 1:57:12_, 1:57:13
 care^[1] - 1:26:18
 carefully^[1] - 1:70:18
 cares^[1] - 1:26:18
 Carlos^[1] - 1:3:6
 carry^[1] - 1:36:14
 carrying^[1] - 1:71:13
 carveout^[1] - 1:14:14

case^[46] - 1:3:3_, 1:3:6_,
 1:4:19_, 1:4:22_, 1:6:13_,
 1:6:15_, 1:7:4_, 1:7:5_,
 1:7:23_, 1:9:1_, 1:11:12_,
 1:11:25_, 1:12:14_, 1:14:7_,
 1:14:8_, 1:14:18_, 1:17:11_,
 1:17:25_, 1:28:23_, 1:29:19
 -, 1:29:23_, 1:32:19_,
 1:33:12_, 1:36:4_, 1:36:11_,
 1:36:20_, 1:40:9_, 1:41:1_,
 1:43:7_, 1:43:8_, 1:43:19_,
 1:45:15_, 1:45:20_, 1:46:8_,
 1:47:12_, 1:47:20_, 1:55:20
 -, 1:60:19_, 1:60:21_,
 1:60:23_, 1:61:2_, 1:61:3_,
 1:68:18_, 1:69:12_, 1:70:3_,
 1:72:16
 cases^[14] - 1:4:25_,
 1:6:16_, 1:7:11_, 1:7:13_,
 1:7:14_, 1:8:9_, 1:16:14_,
 1:17:17_, 1:30:7_, 1:43:17_,
 1:49:21_, 1:61:12_, 1:68:13
 Cashing^[1] - 1:68:11
 categorically^[1] -
 1:68:24
 caveat^[1] - 1:39:7
 Certain^[1] - 1:10:14
 certain^[3] - 1:39:13_,
 1:64:18_, 1:65:13
 certainly^[22] - 1:6:16_,
 1:31:13_, 1:33:15_, 1:39:22
 -, 1:40:9_, 1:41:13_, 1:50:22
 -, 1:53:18_, 1:54:6_, 1:59:7_,
 1:61:25_, 1:62:20_, 1:63:3_,
 1:63:8_, 1:63:19_, 1:63:22_,
 1:64:9_, 1:64:14_, 1:65:13_,
 1:65:23_, 1:66:2_, 1:71:6
 CFPB^[8] - 1:12:17_,
 1:12:20_, 1:32:19_, 1:33:11
 -, 1:41:1_, 1:41:10_, 1:68:17
 -, 1:69:9
 challenge^[17] - 1:6:5_,
 1:7:18_, 1:7:22_, 1:34:18_,
 1:40:5_, 1:40:12_, 1:42:24_,
 1:44:8_, 1:46:23_, 1:47:4_,
 1:49:3_, 1:49:18_, 1:49:25_,
 1:50:10_, 1:50:11_, 1:50:16
 -, 1:51:1
 challenges^[1] - 1:49:5
 challenging^[2] - 1:7:19
 -, 1:49:10
 change^[2] - 1:42:17_,
 1:55:15
 characterization^[4] -
 1:15:1_, 1:52:14_, 1:52:15_,
 1:52:16
 characterizations^[1] -

1:49:5
charges [2] - 1:17:19_,
1:69:14
charts [1] - 1:28:13
check [4] - 1:13:6_,
1:13:23_, 1:65:17_, 1:67:18
Check [1] - 1:68:10
Chief [1] - 1:55:2
choices [1] - 1:26:8
chooses [1] - 1:28:13
chose [2] - 1:9:19_,
1:26:5
chosen [1] - 1:70:4
Chrysler [2] - 1:14:6_,
1:14:17
Circuit [10] - 1:6:16_,
1:7:7_, 1:7:13_, 1:16:19_,
1:17:5_, 1:18:1_, 1:29:22_,
1:29:25_, 1:61:13_, 1:68:11
circuit [4] - 1:15:12_,
1:60:20_, 1:60:24_, 1:61:13
Circuit's [1] - 1:41:1
circuit's [1] - 1:15:11
citation [2] - 1:68:10_,
1:69:11
citations [1] - 1:66:17
cite [1] - 1:14:7
cited [7] - 1:11:5_, 1:11:6
, 1:29:5, 1:38:1_, 1:55:1_,
1:59:9_, 1:61:12
cites [5] - 1:8:10_, 1:29:23
, 1:32:4, 1:32:23_, 1:59:12
clarify [3] - 1:10:19_,
1:35:15_, 1:42:11
clarifying [1] - 1:38:25
clause [2] - 1:44:14_,
1:63:2
Clause [30] - 1:4:7_,
1:4:23_, 1:5:7_, 1:5:14_,
1:7:19_, 1:7:23_, 1:7:25_,
1:8:2_, 1:8:7_, 1:8:20_, 1:9:2
, 1:16:15, 1:17:7_, 1:18:15
, 1:18:16, 1:21:24_, 1:22:6
, 1:22:22, 1:30:10_,
1:33:17_, 1:36:15_, 1:40:5_,
1:40:12_, 1:44:7_, 1:46:13_,
1:47:5_, 1:49:19_, 1:49:25_,
1:65:22_, 1:71:11
clear [10] - 1:6:22_, 1:8:9
, 1:19:14, 1:25:20_, 1:35:6
, 1:40:9, 1:44:6_, 1:50:13_,
1:58:11_, 1:66:23
clearly [2] - 1:50:3_,
1:61:10
clerk [1] - 1:3:20
closest [1] - 1:6:7
co [1] - 1:71:8
co-defendants [1] -
1:71:8
Code [4] - 1:31:3_,
1:31:24_, 1:32:1_, 1:33:5
codified [2] - 1:20:7_,
1:35:8
cognizable [1] - 1:6:24
collapse [1] - 1:65:1
collected [1] - 1:33:7
Columbia [3] - 1:16:21_,
1:19:4_, 1:66:19
Comey [2] - 1:12:1_,
1:67:24
comfortable [2] - 1:10:8
_, 1:24:6
coming [3] - 1:19:7_,
1:39:1_, 1:43:5
comment [1] - 1:15:3
commitment [1] -
1:48:13
committee [1] - 1:26:6
committees [1] - 1:9:24
common [1] - 1:43:21
comparable [2] -
1:31:22_, 1:52:23
compared [1] - 1:52:11
comparing [2] - 1:18:7_,
1:19:24
comparison [2] -
1:18:22_, 1:21:2
completed [1] - 1:54:10
completely [1] - 1:36:14
compliance [3] - 1:17:12
, 1:27:10, 1:28:9
complied [1] - 1:55:23
comply [1] - 1:33:16
complying [2] - 1:27:6_,
1:56:1
component [2] - 1:38:23
_, 1:39:18
components [1] -
1:39:13
comprehensive [2] -
1:58:24_, 1:59:7
compromises [1] -
1:26:7
comptroller [1] - 1:9:21
concept [3] - 1:8:7_,
1:21:14
concern [5] - 1:40:15_,
1:41:4_, 1:55:11_, 1:57:5_,
1:60:14
concerned [1] - 1:27:11
concerns [4] - 1:6:11_,
1:8:17_, 1:13:5_, 1:61:15
conclude [2] - 1:29:25_,
1:72:18
concluded [1] - 1:72:24
conclusion [1] - 1:62:7
concurrence [1] -
1:68:10
conditions [1] - 1:28:19
conduct [2] - 1:11:5_,
1:30:13
conference [7] - 1:25:9_,
1:25:10_, 1:25:14_, 1:25:19
, 1:26:9, 1:26:11_, 1:66:24
conferred [1] - 1:28:7
confidence [1] - 1:23:12
confirm [1] - 1:36:13
confirmation [3] -
1:63:14_, 1:64:4_, 1:65:8
confirmed [1] - 1:63:25
conflict [2] - 1:28:5_,
1:60:5
Congress [36] - 1:9:18_,
1:10:2_, 1:10:5_, 1:10:7_,
1:10:11_, 1:10:20_, 1:19:14
, 1:20:15, 1:22:25_, 1:23:2
, 1:23:11, 1:24:1_, 1:24:9_,
1:24:17_, 1:25:5_, 1:25:14_,
1:25:23_, 1:26:4_, 1:26:16_,
1:31:18_, 1:52:18_, 1:63:8_,
1:63:17_, 1:63:22_, 1:64:3_,
1:64:17_, 1:65:11_, 1:65:17
, 1:65:20, 1:65:24_,
1:65:25_, 1:66:3_, 1:67:7_,
1:71:6_, 1:71:12_, 1:71:19
Congressional [10] -
1:8:3_, 1:8:14_, 1:36:6_,
1:36:10_, 1:51:8_, 1:63:15_,
1:64:14_, 1:64:24_, 1:65:3_,
1:65:19
Congressional [1] -
1:30:25
Congressional-
enacted [1] - 1:30:25
Congressmen [1] -
1:71:24
connection [1] - 1:11:15
consequence [1] -
1:49:20
considerably [1] -
1:37:24
consideration [2] -
1:9:18_, 1:28:15
considering [1] - 1:45:1
consist [1] - 1:29:11
consistent [13] - 1:20:24
, 1:22:10, 1:26:20_,
1:27:18_, 1:30:23_, 1:31:17
, 1:39:10, 1:39:24_,
1:51:23_, 1:59:21_, 1:62:16
, 1:69:24, 1:70:8
consolidated [1] -
1:17:17
conspicuously [1] -
1:45:6
Constitution [5] - 1:8:12
, 1:30:12, 1:43:22_, 1:63:1
_, 1:65:9
Constitution's [1] -
1:42:24
constitutional [16] -
1:8:20_, 1:44:13_, 1:44:16_,
1:45:8_, 1:46:23_, 1:49:3_,
1:49:18_, 1:49:24_, 1:50:10
, 1:50:11, 1:50:15_,
1:62:11_, 1:64:1_, 1:65:21_,
1:65:24_, 1:66:5
constitutionality [2] -
1:7:20_, 1:12:16
constitutionally [2] -
1:57:7_, 1:64:16
constraints [1] - 1:46:16
consultation [2] -
1:28:11_, 1:56:1
contains [1] - 1:32:17
contemplate [3] -
1:28:11_, 1:28:12_, 1:28:21
contemplated [3] -
1:19:14_, 1:26:15_, 1:71:22
contemplates [2] -
1:21:10_, 1:71:12
contemplating [1] -
1:24:10
contest [1] - 1:71:1
context [16] - 1:7:10_,
1:9:17_, 1:12:11_, 1:16:18_,
1:23:2_, 1:24:2_, 1:24:13_,
1:25:8_, 1:26:3_, 1:36:15_,
1:40:6_, 1:43:18_, 1:44:7_,
1:46:10_, 1:59:21
contexts [1] - 1:42:20
continue [2] - 1:20:4_,
1:48:15
continued [2] - 1:16:25_,
1:17:8

continuing^[3] - 1:25:21
 -, 1:38:9, 1:67:2
Contra^[3] - 1:15:12,
 1:16:1, 1:23:18
contrast^[1] - 1:72:2
control^[3] - 1:8:14,
 1:37:19, 1:54:1
conversation^[1] -
 1:47:3
conversations^[1] -
 1:56:19
convicted^[1] - 1:7:6
conviction^[1] - 1:7:4
convince^[1] - 1:68:1
core^[2] - 1:6:6, 1:34:18
correct^[17] - 1:9:3,
 1:16:25, 1:17:1, 1:17:3,
 1:20:7, 1:20:8, 1:22:16,
 1:22:17, 1:42:14, 1:42:15
 -, 1:48:2, 1:51:15, 1:53:21
 -, 1:54:11, 1:54:12,
 1:54:16, 1:62:3
counsel^[41] - 1:5:10,
 1:9:23, 1:16:8, 1:18:8,
 1:21:12, 1:22:25, 1:23:23
 -, 1:24:17, 1:24:23, 1:25:4
 -, 1:25:18, 1:26:6, 1:26:19
 -, 1:27:4, 1:27:6, 1:28:3,
 1:30:19, 1:31:2, 1:34:4,
 1:34:25, 1:35:1, 1:35:2,
 1:35:21, 1:36:1, 1:36:8,
 1:38:3, 1:49:13, 1:50:5,
 1:51:5, 1:51:10, 1:51:22,
 1:56:14, 1:56:23, 1:56:24
 -, 1:57:10, 1:57:12,
 1:57:23, 1:58:19, 1:59:13
 -, 1:60:1, 1:60:3
Counsel^[51] - 1:3:8,
 1:4:5, 1:6:4, 1:15:24,
 1:16:6, 1:18:9, 1:18:23,
 1:18:24, 1:19:9, 1:19:14,
 1:21:3, 1:21:16, 1:21:20,
 1:26:24, 1:28:8, 1:28:14,
 1:28:23, 1:30:12, 1:30:19
 -, 1:30:24, 1:31:2, 1:34:3,
 1:36:7, 1:36:19, 1:37:23,
 1:39:11, 1:41:25, 1:42:13
 -, 1:44:3, 1:45:6, 1:46:6,
 1:48:14, 1:49:12, 1:51:4,
 1:51:22, 1:51:23, 1:52:3,
 1:53:11, 1:56:8, 1:56:10,
 1:56:22, 1:57:5, 1:57:11,
 1:57:18, 1:57:24, 1:59:5,
 1:60:4, 1:60:12, 1:60:15,
 1:69:1, 1:70:23
Counsel's^[10] - 1:4:19,
 1:8:9, 1:13:2, 1:36:25,

1:37:5, 1:39:2, 1:57:15,
 1:69:23, 1:70:15, 1:70:25
counsel's^[2] - 1:27:17,
 1:52:12
counsels^[7] - 1:35:4,
 1:36:5, 1:38:2, 1:51:10,
 1:55:21, 1:58:22, 1:58:23
Counsels^[1] - 1:51:9
countermanding^[1] -
 1:21:14
County^[2] - 1:43:20,
 1:45:14
couple^[6] - 1:19:24,
 1:32:22, 1:42:18, 1:42:19
 -, 1:44:19, 1:59:1
course^[12] - 1:15:19,
 1:28:14, 1:35:3, 1:36:19,
 1:46:5, 1:47:10, 1:47:12,
 1:52:6, 1:52:17, 1:53:4,
 1:64:10, 1:70:5
Court^[63] - 1:3:1, 1:3:15
 -, 1:3:19, 1:4:7, 1:8:11,
 1:12:12, 1:14:7, 1:14:18,
 1:24:20, 1:30:21, 1:32:3,
 1:32:25, 1:33:15, 1:34:19
 -, 1:35:15, 1:36:17, 1:38:5
 -, 1:38:17, 1:39:22,
 1:39:25, 1:40:13, 1:41:1,
 1:41:2, 1:41:9, 1:41:22,
 1:42:19, 1:43:6, 1:43:12,
 1:43:19, 1:44:12, 1:44:15
 -, 1:44:17, 1:44:24,
 1:44:25, 1:45:1, 1:45:18,
 1:45:20, 1:45:21, 1:46:7,
 1:47:5, 1:47:13, 1:47:20,
 1:48:11, 1:49:5, 1:49:21,
 1:50:7, 1:50:19, 1:50:25,
 1:51:7, 1:54:21, 1:61:2,
 1:61:7, 1:61:12, 1:62:12,
 1:62:17, 1:62:19, 1:64:3,
 1:64:23, 1:66:21, 1:69:8,
 1:70:5, 1:70:24
court^[9] - 1:7:14,
 1:14:10, 1:24:3, 1:29:19,
 1:29:21, 1:40:10, 1:55:21
 -, 1:69:13
COURT^[124] - 1:3:2,
 1:3:11, 1:3:16, 1:3:21,
 1:3:25, 1:4:16, 1:5:16,
 1:6:2, 1:6:24, 1:7:17,
 1:8:24, 1:9:4, 1:9:20,
 1:10:24, 1:12:5, 1:12:15,
 1:12:20, 1:12:22, 1:12:24
 -, 1:13:10, 1:14:25,
 1:15:15, 1:15:21, 1:16:10
 -, 1:16:14, 1:16:23, 1:17:2
 -, 1:18:6, 1:18:21, 1:20:6,
 1:20:10, 1:21:20, 1:22:12

-, 1:22:23, 1:25:25,
 1:26:22, 1:29:15, 1:30:18
 -, 1:31:6, 1:31:11, 1:31:15
 -, 1:31:22, 1:32:5, 1:32:8,
 1:32:16, 1:32:24, 1:33:2,
 1:33:18, 1:34:6, 1:34:14,
 1:35:6, 1:35:11, 1:35:24,
 1:36:10, 1:36:18, 1:36:24
 -, 1:37:9, 1:37:15, 1:38:6,
 1:38:18, 1:39:15, 1:40:2,
 1:40:14, 1:40:19, 1:40:23
 -, 1:41:9, 1:41:15, 1:42:2,
 1:42:6, 1:42:15, 1:43:4,
 1:43:7, 1:43:9, 1:43:25,
 1:44:22, 1:45:3, 1:45:24,
 1:46:11, 1:46:17, 1:46:19
 -, 1:47:10, 1:47:17, 1:48:6
 -, 1:48:16, 1:49:1, 1:49:17
 -, 1:50:9, 1:50:22, 1:51:13
 -, 1:51:19, 1:52:10,
 1:52:20, 1:53:12, 1:53:15
 -, 1:53:20, 1:53:23, 1:54:9
 -, 1:54:13, 1:54:18, 1:55:9
 -, 1:56:7, 1:57:4, 1:57:17,
 1:58:2, 1:58:5, 1:58:20,
 1:59:9, 1:59:11, 1:59:16,
 1:60:19, 1:61:4, 1:61:15,
 1:61:21, 1:62:3, 1:62:21,
 1:63:11, 1:64:7, 1:64:10,
 1:64:13, 1:65:1, 1:65:19,
 1:66:7, 1:66:10, 1:72:18
Court's^[8] - 1:9:18,
 1:33:8, 1:33:11, 1:41:4,
 1:61:11, 1:61:19, 1:67:21
 -, 1:68:13
COURTROOM^[1] -
 1:3:4
courts^[9] - 1:17:6,
 1:17:10, 1:18:5, 1:19:20,
 1:43:20, 1:43:23, 1:51:7,
 1:51:25, 1:54:20
courts'^[2] - 1:36:2,
 1:61:25
cover^[5] - 1:5:9, 1:23:4
 -, 1:27:14, 1:41:12, 1:45:4
covered^[1] - 1:38:4
covers^[1] - 1:37:11
created^[2] - 1:11:16,
 1:19:18
criminal^[8] - 1:4:22,
 1:6:11, 1:7:10, 1:7:14,
 1:11:16, 1:12:11, 1:27:8,
 1:27:12
current^[10] - 1:5:22,
 1:14:15, 1:15:9, 1:18:10,
 1:18:25, 1:33:22, 1:35:11
 -, 1:60:24, 1:71:24
cycle^[1] - 1:41:21

D

D.C^[3] - 1:7:13, 1:15:11
 -, 1:15:12
Dadan^[1] - 1:3:18
Danforth^[3] - 1:11:3,
 1:11:9, 1:11:15
date^[1] - 1:38:5
dated^[1] - 1:59:6
day-to-day^[1] - 1:52:2
days^[2] - 1:48:12
De^[2] - 1:3:6, 1:3:23
de^[6] - 1:43:16, 1:43:25
 -, 1:44:4, 1:44:11, 1:45:5,
 1:45:10
dealing^[4] - 1:9:5,
 1:22:19, 1:22:20, 1:72:15
deals^[1] - 1:33:6
debate^[1] - 1:72:10
December^[1] - 1:31:1
decide^[5] - 1:19:6,
 1:19:9, 1:21:13, 1:44:25,
 1:61:19
decided^[5] - 1:6:21,
 1:43:13, 1:58:16, 1:61:24
 -, 1:70:3
decides^[1] - 1:19:10
decision^[14] - 1:4:7,
 1:6:18, 1:10:20, 1:12:18,
 1:17:11, 1:32:20, 1:33:11
 -, 1:33:18, 1:41:5, 1:42:22
 -, 1:43:4, 1:43:10, 1:43:11
 -, 1:55:2
decisions^[4] - 1:6:17,
 1:28:8, 1:36:2, 1:61:25
default^[3] - 1:63:20,
 1:63:21, 1:65:9
defendant^[3] - 1:6:12,
 1:12:11, 1:69:3
defendants^[7] - 1:7:5,
 1:17:14, 1:17:19, 1:47:1,
 1:48:23, 1:69:12, 1:71:8
defer^[1] - 1:17:6
deference^[2] - 1:64:14,
 1:64:25
define^[1] - 1:66:5
defines^[1] - 1:32:12
definite^[5] - 1:4:21,
 1:30:25, 1:31:5, 1:31:20,
 1:34:11
degree^[10] - 1:12:20,
 1:18:7, 1:18:9, 1:18:12,
 1:22:14, 1:32:18, 1:52:8,
 1:54:1, 1:64:18, 1:70:7

deny^[1] - 1:62:20
 department^[1] - 1:36:4
 Department^[22] -
 1:20:18_, 1:27:14_, 1:30:23
 -, 1:35:4_, 1:35:20_, 1:39:10
 -, 1:39:11_, 1:41:20_,
 1:41:24_, 1:42:3_, 1:48:8_,
 1:48:13_, 1:50:4_, 1:55:25_,
 1:57:3_, 1:60:6_, 1:60:7_,
 1:62:4_, 1:62:8_, 1:62:23_,
 1:69:14_, 1:71:3
 deposited^[2] - 1:32:2_,
 1:33:7
 deputy^[1] - 1:62:13
 DEPUTY^[1] - 1:3:4
 derivative^[1] - 1:59:14
 describe^[1] - 1:20:14
 described^[3] - 1:33:15_,
 1:39:1_, 1:40:25
 describing^[2] - 1:41:6_,
 1:57:20
 detail^[1] - 1:39:9
 determine^[1] - 1:49:22
 determined^[1] - 1:42:9
 develop^[2] - 1:46:18_,
 1:49:17
 developed^[3] - 1:46:3_,
 1:46:9_, 1:59:7
 dicta^[3] - 1:61:6_, 1:61:7
 die^[1] - 1:50:21
 difference^[4] - 1:14:2_,
 1:18:14_, 1:34:5_, 1:53:3
 differences^[1] - 1:19:24
 different^[15] - 1:11:23_,
 1:13:4_, 1:13:15_, 1:19:22_,
 1:28:3_, 1:28:14_, 1:32:22_,
 1:38:1_, 1:42:18_, 1:42:20_,
 1:44:20_, 1:47:12_, 1:68:12
 -, 1:68:20_, 1:68:25
 differentiate^[2] -
 1:47:19_, 1:56:23
 differently^[2] - 1:19:7_,
 1:71:9
 difficult^[1] - 1:70:12
 direction^[2] - 1:15:3_,
 1:61:21
 directly^[2] - 1:15:6_,
 1:26:10
 director^[3] - 1:54:23_,
 1:54:24_, 1:55:3
 disability^[1] - 1:28:19
 disagreed^[1] - 1:47:9
 disagreements^[2] -

1:28:22_, 1:28:23
 discretion^[4] - 1:28:7_,
 1:28:25_, 1:55:3
 discuss^[1] - 1:61:18
 discussed^[10] - 1:4:3_,
 1:14:23_, 1:28:1_, 1:31:4_,
 1:31:14_, 1:36:23_, 1:45:25
 -, 1:47:6_, 1:53:4_, 1:54:21
 discussing^[1] - 1:35:17
 discussion^[10] - 1:15:1
 -, 1:18:7_, 1:24:11_, 1:26:11
 -, 1:45:20_, 1:46:13_,
 1:46:15_, 1:59:8_, 1:59:19_,
 1:64:13
 dismiss^[5] - 1:4:4_,
 1:6:14_, 1:47:1_, 1:70:3_,
 1:72:19
 dismissal^[7] - 1:6:20_,
 1:6:21_, 1:16:23_, 1:47:2_,
 1:48:2_, 1:69:6_, 1:70:8
 dismissed^[1] - 1:69:14
 dismissing^[1] - 1:17:19
 dispositive^[1] - 1:64:15
 disrespectful^[1] -
 1:72:4
 dissent^[1] - 1:29:4
 dissuade^[1] - 1:50:15
 distancing^[1] - 1:59:19
 distinct^[1] - 1:27:24
 distinction^[8] - 1:14:8_,
 1:15:8_, 1:15:10_, 1:24:19_,
 1:28:16_, 1:30:6_, 1:35:1_,
 1:67:8
 distinctions^[1] - 1:26:23
 distinguish^[1] - 1:57:11
 District^[6] - 1:16:20_,
 1:17:18_, 1:19:3_, 1:66:19_,
 1:69:11_, 1:70:1
 district^[5] - 1:17:6_,
 1:17:10_, 1:29:19_, 1:61:8_,
 1:69:13
 districts^[1] - 1:13:4
 disuniformity^[1] -
 1:42:25
 Division^[1] - 1:19:3
 docket^[2] - 1:17:21_,
 1:69:17
 docketed^[1] - 1:17:17
 Doctrine^[1] - 1:36:10
 doctrine^[7] - 1:7:15_,
 1:36:11_, 1:43:16_, 1:44:4_,
 1:44:11_, 1:45:5_, 1:45:10
 documents^[1] - 1:40:3

DOJ^[19] - 1:17:8_,
 1:17:10_, 1:19:7_, 1:19:17_,
 1:20:14_, 1:25:17_, 1:25:22
 -, 1:26:15_, 1:27:7_, 1:27:10
 -, 1:27:11_, 1:29:12_, 1:30:1
 -, 1:38:23_, 1:39:18_,
 1:41:16_, 1:67:3_, 1:67:22_,
 1:69:24
 dollars^[1] - 1:41:21
 Donald^[1] - 1:3:5
 done^[3] - 1:48:12_,
 1:65:11_, 1:70:5
 Donnie^[1] - 1:3:23
 down^[2] - 1:36:1_,
 1:38:22
 draw^[5] - 1:28:17_,
 1:30:12_, 1:42:18_, 1:50:5_,
 1:67:21
 drawing^[1] - 1:58:1
 drawn^[2] - 1:30:6_,
 1:49:20
 draws^[1] - 1:5:1
 drill^[1] - 1:24:18
 due^[1] - 1:37:13
 Durham^[1] - 1:10:25
 during^[1] - 1:57:6
 duties^[1] - 1:71:13

E

ease^[1] - 1:48:8
 Eastern^[3] - 1:17:18_,
 1:69:11_, 1:69:25
 Eastland^[2] - 1:59:3_,
 1:59:15
 easy^[1] - 1:58:1
 ECF^[1] - 1:17:21
 ED^[1] - 1:17:21
 Edmond^[2] - 1:61:22_,
 1:61:24
 effect^[3] - 1:19:18_,
 1:30:2_, 1:42:17
 effort^[2] - 1:60:2_, 1:72:9
 EGA^[14] - 1:16:6_, 1:19:3
 -, 1:19:5_, 1:20:25_, 1:21:7_,
 1:23:12_, 1:28:10_, 1:52:8_,
 1:53:5_, 1:57:3_, 1:58:11_,
 1:58:15_, 1:67:3_, 1:67:7
 eight^[4] - 1:35:4_, 1:36:5
 -, 1:37:6_, 1:51:9
 either^[3] - 1:44:13_,
 1:47:17_, 1:70:21
 election^[2] - 1:27:23_,
 1:27:24
 elsewhere^[1] - 1:31:7
 Emil^[1] - 1:3:12
 employee^[2] - 1:44:7_,
 1:46:6
 enacted^[2] - 1:30:25_,
 1:31:18
 encompasses^[1] -
 1:35:16
 encountered^[1] -
 1:47:21
 end^[6] - 1:9:7_, 1:17:5_,
 1:25:13_, 1:54:9_, 1:56:16_,
 1:71:22
 endeavoring^[1] -
 1:10:18
 ending^[2] - 1:33:24_,
 1:37:12
 ends^[3] - 1:9:16_,
 1:34:15_, 1:37:13
 enforcement^[3] - 1:27:7
 -, 1:27:11_, 1:68:23
 enormous^[1] - 1:55:12
 ensure^[3] - 1:48:14_,
 1:55:24_, 1:60:2
 entertaining^[1] -
 1:44:16
 entire^[1] - 1:62:23
 entirely^[2] - 1:35:6_,
 1:41:7
 entitled^[3] - 1:42:14_,
 1:48:24_, 1:63:18
 entitlement^[1] - 1:65:21
 enumerate^[1] - 1:39:23
 enumerated^[1] -
 1:38:14
 equal^[1] - 1:22:24
 equated^[1] - 1:29:7
 era^[1] - 1:57:11
 Eric^[1] - 1:20:17
 erroneously^[1] - 1:33:6
 error^[1] - 1:44:12
 especially^[4] - 1:7:13_,
 1:12:10_, 1:12:17_, 1:27:24
 essentially^[2] - 1:41:6_,
 1:65:2
 establish^[2] - 1:14:21_,
 1:17:23
 established^[4] - 1:27:7
 -, 1:27:20_, 1:34:12_,
 1:35:19
 establishing^[1] -
 1:69:18

establishment^[1] - 1:38:8
 et^[1] - 1:35:22
 Ethics^[37] - 1:15:16_,
 1:15:25_, 1:16:4_, 1:16:8_,
 1:19:8_, 1:19:13_, 1:19:18_,
 1:20:17_, 1:20:19_, 1:23:8_,
 1:23:9_, 1:23:15_, 1:23:17_,
 1:23:20_, 1:24:7_, 1:24:15_,
 1:25:22_, 1:26:12_, 1:26:14_,
 1:26:17_, 1:27:5_, 1:27:9_,
 1:27:19_, 1:28:4_, 1:28:7_,
 1:28:18_, 1:29:4_, 1:29:6_,
 1:29:13_, 1:35:2_, 1:38:2_,
 1:51:21_, 1:53:1_, 1:56:15_,
 1:56:25_, 1:59:4_, 1:66:16
 evaluating^[1] - 1:11:1
 evidentiary^[3] - 1:17:11_,
 1:17:22_, 1:69:18
 exact^[1] - 1:23:1
 exactly^[8] - 1:7:5_,
 1:13:5_, 1:15:19_, 1:23:15_,
 1:34:7_, 1:44:23_, 1:59:10_,
 1:72:15
 example^[14] - 1:5:15_,
 1:19:5_, 1:27:20_, 1:34:2_,
 1:37:25_, 1:38:19_, 1:55:16_,
 1:57:5_, 1:62:25_, 1:63:12_,
 1:64:6_, 1:65:4_, 1:66:1_,
 1:68:4
 examples^[2] - 1:32:14_,
 1:32:16
 exceed^[1] - 1:34:24
 exchange^[1] - 1:22:3
 exclusively^[1] - 1:5:12
 excuse^[3] - 1:29:13_,
 1:45:7_, 1:45:8
 executive^[4] - 1:4:24_,
 1:8:5_, 1:63:7_, 1:63:9
 exercise^[3] - 1:8:12_,
 1:19:16_, 1:54:22
 exercised^[1] - 1:28:25
 exercising^[1] - 1:61:21
 exist^[4] - 1:15:25_,
 1:16:14_, 1:36:21_, 1:58:12
 existed^[1] - 1:51:11
 existence^[2] - 1:33:19_,
 1:58:15
 existing^[1] - 1:39:12
 expanded^[1] - 1:27:14
 expended^[1] - 1:50:4
 expenditure^[5] - 1:37:6_,
 1:38:15_, 1:40:12_,
 1:47:15_, 1:47:18

expenditures^[15] - 1:9:22_, 1:11:4_, 1:11:9_,
 1:25:21_, 1:30:7_, 1:37:1_,
 1:37:2_, 1:38:10_, 1:38:19_,
 1:38:21_, 1:39:17_, 1:39:18_,
 1:40:4_, 1:42:7_, 1:42:10
 expenses^[4] - 1:35:20_,
 1:38:23_, 1:39:1_, 1:39:19
 expiration^[1] - 1:60:14
 expired^[1] - 1:58:13
 explaining^[1] - 1:32:13
 explains^[1] - 1:25:23
 extant^[1] - 1:31:14
 extensively^[1] - 1:31:4
 extent^[8] - 1:39:24_,
 1:42:7_, 1:44:12_, 1:44:15_,
 1:44:21_, 1:49:16_, 1:69:23
 extraordinary^[4] - 1:71:20_,
 1:71:21_, 1:72:9

F

F.4th^[1] - 1:29:23
 facing^[1] - 1:68:24
 fact^[15] - 1:6:13_, 1:7:22_,
 1:17:12_, 1:17:14_,
 1:18:22_, 1:24:15_, 1:33:12_,
 1:46:23_, 1:48:2_, 1:50:5_,
 1:50:15_, 1:50:18_, 1:52:3_,
 1:53:10_, 1:65:10
 facto^[6] - 1:43:16_,
 1:43:25_, 1:44:4_, 1:44:11_,
 1:45:5_, 1:45:10
 factual^[2] - 1:38:25_,
 1:71:1
 fair^[3] - 1:40:8_, 1:52:14_,
 1:52:15
 fairly^[1] - 1:6:25
 falling^[1] - 1:72:17
 familiar^[4] - 1:11:2_,
 1:12:15_, 1:54:5_, 1:60:20
 famous^[1] - 1:54:7
 far^[4] - 1:20:23_, 1:33:21_,
 1:60:11_, 1:62:19
 favor^[1] - 1:17:14
 feature^[2] - 1:13:24_,
 1:20:6
 features^[3] - 1:20:8_,
 1:24:16_, 1:32:20
 federal^[2] - 1:33:14_,
 1:47:16
 Federal^[5] - 1:14:4_,
 1:20:2_, 1:20:24_, 1:32:11_,
 1:33:14

Federalist^[1] - 1:63:20
 feed^[1] - 1:4:10
 fees^[1] - 1:43:1
 felt^[1] - 1:20:15
 few^[4] - 1:16:18_, 1:19:1_,
 1:64:23_, 1:66:12
 Fields^[1] - 1:3:13
 Fifth^[1] - 1:68:11
 fight^[3] - 1:50:1_, 1:50:17_,
 1:61:7
 figure^[1] - 1:50:19
 filed^[1] - 1:72:12
 filing^[3] - 1:17:20_,
 1:43:15_, 1:69:17
 financial^[3] - 1:9:22_,
 1:11:5_, 1:11:14
 findings^[1] - 1:9:24
 fine^[1] - 1:50:23
 fired^[1] - 1:54:7
 First^[1] - 1:29:22
 first^[8] - 1:25:16_, 1:25:24_,
 1:32:5_, 1:48:22_, 1:58:3_,
 1:66:13_, 1:67:6
 fiscal^[1] - 1:42:3
 Fiske^[5] - 1:19:7_,
 1:23:23_, 1:56:13_, 1:58:4_,
 1:58:11
 Fitzgerald^[8] - 1:11:1_,
 1:11:6_, 1:11:18_, 1:11:21_,
 1:12:2_, 1:67:23_, 1:67:24_,
 1:68:1
 five^[3] - 1:10:12_, 1:23:13_,
 1:48:12
 flag^[2] - 1:25:11_, 1:27:3
 flagged^[1] - 1:44:2
 flaws^[1] - 1:5:3
 flip^[1] - 1:21:22
 flip-flopped^[1] - 1:21:22
 floor^[1] - 1:4:11
 flopped^[1] - 1:21:22
 flow^[1] - 1:48:1
 flows^[2] - 1:51:6_, 1:62:7
 focus^[2] - 1:34:19_,
 1:36:12
 focused^[13] - 1:9:12_,
 1:11:14_, 1:15:6_, 1:16:17_,
 1:16:19_, 1:22:9_, 1:28:19_,
 1:29:24_, 1:30:9_, 1:33:19_,
 1:36:21_, 1:41:5_, 1:51:4
 folks^[2] - 1:4:12_, 1:57:6
 follow^[2] - 1:47:3_,
 1:60:19

follow-up^[1] - 1:60:19
 following^[3] - 1:12:17_,
 1:55:25_, 1:69:12
 footnote^[3] - 1:15:7_,
 1:43:15_, 1:44:2
 Footnote^[1] - 1:15:7
 footnoted^[1] - 1:46:2
 force^[1] - 1:14:10
 foreclosed^[1] - 1:14:20
 foreseeable^[1] - 1:24:12
 foreshadowed^[1] - 1:18:2
 form^[1] - 1:20:11
 forma^[1] - 1:65:18
 formal^[1] - 1:65:5
 former^[2] - 1:55:11_,
 1:58:7
 formula^[1] - 1:32:17
 forward^[3] - 1:4:22_,
 1:51:15_, 1:52:17
 four^[1] - 1:38:1
 framed^[1] - 1:15:10
 framework^[6] - 1:18:10_,
 1:26:23_, 1:52:12_,
 1:52:13_, 1:55:7_, 1:55:24
 frankly^[3] - 1:34:19_,
 1:44:13_, 1:48:2
 Frederick^[1] - 1:58:14
 free^[1] - 1:60:13
 Friday^[20] - 1:4:3_, 1:5:2_,
 1:5:12_, 1:5:25_, 1:11:24_,
 1:13:16_, 1:13:20_, 1:14:24_,
 1:18:16_, 1:21:15_, 1:22:3_,
 1:25:2_, 1:36:23_, 1:42:23_,
 1:53:5_, 1:54:20_, 1:56:19_,
 1:60:20_, 1:71:17_,
 1:72:13
 friend^[6] - 1:31:8_,
 1:33:23_, 1:44:19_, 1:46:14_,
 1:51:3_, 1:52:4
 friends^[1] - 1:34:17
 frivolous^[1] - 1:46:8
 front^[1] - 1:71:22
 full^[9] - 1:19:15_, 1:21:6_,
 1:23:12_, 1:23:16_, 1:38:3_,
 1:40:3_, 1:48:13_, 1:52:3_,
 1:60:24
 fully^[3] - 1:12:16_,
 1:63:18_, 1:70:4
 function^[2] - 1:31:19_,
 1:31:21
 functions^[3] - 1:8:2_,

1:19:17_, 1:21:5
 fund [5]_ - 1:13:3_, 1:41:16
 , 1:41:24, 1:48:3_, 1:48:7
 funded [3]_ - 1:30:24_,
 1:39:12_, 1:51:11
 funding [13]_ - 1:4:4_,
 1:12:7_, 1:36:5_, 1:42:8_,
 1:44:14_, 1:44:17_, 1:47:4_,
 1:48:1_, 1:48:14_, 1:51:1_,
 1:51:13_, 1:69:16_, 1:70:11
 funds [7]_ - 1:8:14_,
 1:25:17_, 1:30:1_, 1:38:13_,
 1:47:14_, 1:47:16_, 1:69:19
 furthers [1]_ - 1:34:25

G

gag [1]_ - 1:72:9
 Gantt [2]_ - 1:60:23_,
 1:61:13
 GAO [24]_ - 1:10:12_,
 1:10:17_, 1:10:21_, 1:10:24
 , 1:11:3, 1:11:6_, 1:11:9_,
 1:14:25_, 1:15:6_, 1:15:7_,
 1:15:10_, 1:15:18_, 1:32:10
 , 1:36:2, 1:37:19_, 1:37:20
 , 1:51:6, 1:51:24_, 1:51:25
 , 1:52:17, 1:57:5_, 1:57:9_,
 1:67:23_, 1:68:1
 GAO's [1]_ - 1:52:16
 general [4]_ - 1:8:6_,
 1:9:21_, 1:62:13_, 1:68:22
 General [27]_ - 1:13:22_,
 1:14:14_, 1:19:10_, 1:19:17
 , 1:19:19, 1:19:20_, 1:20:5
 , 1:21:7, 1:21:11_, 1:22:4_,
 1:28:12_, 1:28:13_, 1:28:22
 , 1:38:8, 1:53:6_, 1:53:10_,
 1:55:9_, 1:57:15_, 1:58:7_,
 1:58:16_, 1:60:17_, 1:62:5_,
 1:62:12_, 1:62:18_, 1:63:13
 , 1:68:5, 1:72:12
 General's [1]_ - 1:57:1
 generality [1]_ - 1:41:20
 generally [3]_ - 1:38:12_,
 1:38:13_, 1:68:20
 generous [1]_ - 1:5:5
 given [6]_ - 1:22:11_,
 1:46:16_, 1:48:3_, 1:65:15_,
 1:70:23_, 1:72:1
 glad [1]_ - 1:58:25
 governed [1]_ - 1:71:10
 Government [37]_ -
 1:10:14_, 1:15:17_, 1:15:25
 , 1:16:5, 1:16:9_, 1:19:8_,
 1:19:13_, 1:19:18_, 1:20:17

, 1:20:19, 1:23:8_, 1:23:10
 , 1:23:15, 1:23:17_,
 1:23:20_, 1:24:7_, 1:24:15_,
 1:25:22_, 1:26:12_, 1:26:14
 , 1:26:17, 1:27:5_, 1:27:9_,
 1:27:19_, 1:28:4_, 1:28:7_,
 1:28:18_, 1:29:4_, 1:29:7_,
 1:29:14_, 1:35:2_, 1:38:2_,
 1:51:21_, 1:53:1_, 1:56:15_,
 1:56:25_, 1:66:16
 government [12]_ -
 1:8:13_, 1:13:14_, 1:14:21_,
 1:17:19_, 1:17:22_, 1:18:3_,
 1:30:24_, 1:41:22_, 1:64:4_,
 1:67:13_, 1:69:13_, 1:70:2
 government's [6]_ - 1:5:3
 , 1:13:20, 1:18:14_,
 1:45:19_, 1:64:12_, 1:72:2
 granted [2]_ - 1:8:12_,
 1:16:5
 grapples [1]_ - 1:66:21
 grappling [1]_ - 1:26:5
 great [1]_ - 1:14:8
 greater [2]_ - 1:51:22_,
 1:59:21
 grounded [1]_ - 1:8:22
 guess [1]_ - 1:49:8

H

half [1]_ - 1:4:2
 Hamilton [1]_ - 1:63:19
 Hammond [1]_ - 1:42:23
 Hammons [2]_ - 1:43:7_,
 1:43:8
 hand [4]_ - 1:32:7_,
 1:50:10_, 1:52:25_, 1:60:2
 Handbook [1]_ - 1:32:11
 handful [2]_ - 1:31:19_,
 1:63:1
 handled [1]_ - 1:20:4
 happy [1]_ - 1:40:21
 hard [2]_ - 1:12:12_, 1:29:9
 harms [1]_ - 1:68:7
 head [3]_ - 1:68:9_,
 1:72:14_, 1:72:15
 headline [1]_ - 1:23:6
 hear [9]_ - 1:4:2_, 1:4:8_,
 1:4:16_, 1:30:19_, 1:36:17_,
 1:45:10_, 1:46:21_, 1:46:22
 _, 1:49:4
 heard [4]_ - 1:31:8_,
 1:44:19_, 1:50:14_, 1:56:8
 hearing [6]_ - 1:20:16_,

1:20:18_, 1:20:23_, 1:20:25
 , 1:22:14, 1:69:22
 hearings [1]_ - 1:13:5
 helpful [3]_ - 1:40:2_,
 1:40:6_, 1:59:14
 hence [1]_ - 1:48:19
 herself [1]_ - 1:66:1
 high [5]_ - 1:29:8_, 1:41:19
 , 1:60:8, 1:60:9_, 1:63:15
 high-level [2]_ - 1:60:9_,
 1:63:15
 high-ranking [1]_ - 1:60:8
 highlight [3]_ - 1:67:21_,
 1:70:14_, 1:72:6
 highlights [2]_ - 1:13:1_,
 1:71:10
 Hilario [2]_ - 1:60:22_,
 1:61:13
 hill [1]_ - 1:50:20
 historical [8]_ - 1:24:13_,
 1:25:8_, 1:26:3_, 1:53:24_,
 1:55:14_, 1:58:21_, 1:58:24
 _, 1:59:7
 historically [2]_ - 1:23:3_,
 1:54:8
 history [4]_ - 1:26:1_,
 1:53:24_, 1:56:6_, 1:59:14
 hit [1]_ - 1:68:9
 Holder [1]_ - 1:20:17
 hone [1]_ - 1:9:6
 honestly [1]_ - 1:61:17
 Honor [19]_ - 1:3:9_,
 1:3:12_, 1:3:17_, 1:3:22_,
 1:4:15_, 1:10:9_, 1:10:10_,
 1:14:6_, 1:40:18_, 1:40:21_,
 1:42:5_, 1:67:16_, 1:68:8_,
 1:69:8_, 1:69:11_, 1:70:7_,
 1:70:17_, 1:70:19_, 1:70:20
 Honor's [1]_ - 1:71:15
 hope [1]_ - 1:4:1
 hoping [2]_ - 1:10:3_,
 1:23:4
 Horowitz [1]_ - 1:28:1
 House [1]_ - 1:9:25
 Hunter [2]_ - 1:36:3_,
 1:52:19
 hypothesis [1]_ - 1:42:13
 hypothetical [1]_ - 1:71:9
 hypothetically [1]_ -
 1:70:16

I

i.e [1]_ - 1:63:9
 IC [1]_ - 1:58:15
 idea [4]_ - 1:31:17_, 1:65:7
 , 1:66:25, 1:71:16
 identical [1]_ - 1:37:7
 identically [1]_ - 1:16:8
 identified [3]_ - 1:26:22_,
 1:58:8_, 1:70:22
 identifies [1]_ - 1:63:6
 identify [2]_ - 1:27:1_,
 1:41:18
 identifying [1]_ - 1:38:14
 illusory [1]_ - 1:54:15
 illustrate [1]_ - 1:72:17
 imagine [2]_ - 1:29:9_,
 1:70:12
 immediately [1]_ - 1:11:9
 imminent [2]_ - 1:7:2_,
 1:7:9
 imminently [1]_ - 1:69:4
 impair [1]_ - 1:28:20
 implemented [1]_ -
 1:26:16
 implementing [2]_ -
 1:67:24_, 1:68:6
 implicates [2]_ - 1:8:18_,
 1:9:2
 implications [1]_ - 1:8:21
 important [12]_ - 1:4:23_,
 1:5:19_, 1:12:11_, 1:15:8_,
 1:20:15_, 1:21:9_, 1:23:3_,
 1:27:16_, 1:28:6_, 1:28:15_,
 1:29:18_, 1:66:21
 importantly [1]_ - 1:54:21
 impose [1]_ - 1:32:18
 improperly [1]_ - 1:32:2
 inaction [1]_ - 1:65:2
 incapacity [1]_ - 1:63:5
 inception [1]_ - 1:4:20
 inclined [1]_ - 1:50:21
 include [3]_ - 1:9:20_,
 1:29:11_, 1:39:18
 included [2]_ - 1:15:13_,
 1:45:24
 including [3]_ - 1:31:3_,
 1:32:14_, 1:72:10
 inconsistent [2]_ -
 1:21:21_, 1:30:3
 incorporate [2]_ - 1:5:24
 _, 1:13:13

increments^[1] - 1:37:8
 indefinite^[13] - 1:9:23,
 1:13:3_, 1:31:18_, 1:32:12_,
 1:35:5_, 1:35:19_, 1:39:3_,
 1:39:6_, 1:39:19_, 1:50:6_,
 1:51:11_, 1:70:18_, 1:71:4
 independence^[29] -
 1:5:7_, 1:12:3_, 1:15:23_,
 1:18:8_, 1:18:9_, 1:18:12_,
 1:18:15_, 1:19:24_, 1:21:23
 -, 1:22:14_, 1:23:17_,
 1:23:25_, 1:24:6_, 1:26:16_,
 1:30:16_, 1:51:22_, 1:52:2_,
 1:52:7_, 1:52:11_, 1:52:13_,
 1:52:22_, 1:53:9_, 1:59:19_,
 1:59:21_, 1:60:4_, 1:60:10_,
 1:60:17_, 1:71:17
 Independent^[5] - 1:18:9
 -, 1:18:24_, 1:34:3_, 1:59:5_,
 1:60:15
 independent^[52] -
 1:5:10_, 1:9:23_, 1:11:4_,
 1:16:8_, 1:18:8_, 1:18:17_,
 1:18:18_, 1:19:15_, 1:20:21
 -, 1:21:17_, 1:22:24_,
 1:23:23_, 1:24:4_, 1:24:17_,
 1:24:23_, 1:25:4_, 1:25:18_,
 1:26:6_, 1:26:19_, 1:27:6_,
 1:31:2_, 1:34:4_, 1:34:25_,
 1:35:1_, 1:35:2_, 1:35:21_,
 1:36:1_, 1:36:7_, 1:38:2_,
 1:38:3_, 1:49:12_, 1:51:5_,
 1:51:9_, 1:51:21_, 1:52:4_,
 1:52:5_, 1:52:11_, 1:56:23_,
 1:57:1_, 1:57:10_, 1:57:12_,
 1:57:14_, 1:57:22_, 1:57:23
 -, 1:58:19_, 1:58:22_,
 1:59:13_, 1:60:1_, 1:60:3_,
 1:60:12_, 1:68:2
 independently^[1] -
 1:31:13
 indicate^[1] - 1:36:12
 indicated^[2] - 1:34:14_,
 1:56:20
 indicates^[1] - 1:10:7
 indicating^[3] - 1:36:25_,
 1:45:3_, 1:49:19
 indictment^[1] - 1:4:4
 individuals^[5] - 1:39:8_,
 1:39:12_, 1:58:24_, 1:63:16
 -, 1:64:2
 inference^[1] - 1:64:19
 inferior^[7] - 1:59:20_,
 1:60:22_, 1:61:5_, 1:61:10_,
 1:61:20_, 1:62:2_, 1:62:10
 infinite^[1] - 1:13:3

inflation^[2] - 1:33:12_,
 1:33:13
 information^[3] - 1:22:3_,
 1:39:25_, 1:45:21
 informs^[2] - 1:20:12_,
 1:20:13
 inherent^[3] - 1:59:18_,
 1:60:2_, 1:71:16
 initial^[3] - 1:38:7_,
 1:45:24_, 1:46:20
 injunction^[1] - 1:16:25
 injunctive^[3] - 1:6:9_,
 1:6:19
 injury^[1] - 1:6:25
 inquiry^[2] - 1:5:18_,
 1:47:19
 insignificant^[1] - 1:48:9
 instances^[1] - 1:49:6
 instead^[3] - 1:21:6_,
 1:47:15_, 1:70:5
 insufficient^[1] - 1:21:23
 intended^[2] - 1:14:3_,
 1:25:20
 interaction^[1] - 1:71:12
 interest^[2] - 1:7:8_,
 1:69:4
 interested^[1] - 1:45:21
 interesting^[2] - 1:52:25
 -, 1:57:17
 interests^[1] - 1:11:11
 interference^[2] -
 1:27:23_, 1:27:25
 interim^[1] - 1:61:15
 interims^[1] - 1:61:18
 interplay^[1] - 1:5:14
 Interpol^[1] - 1:9:10
 interpretation^[1] -
 1:49:14
 interpretations^[2] -
 1:5:4_, 1:5:5
 interpreted^[1] - 1:18:5
 interrupt^[1] - 1:40:17
 introductory^[2] - 1:20:1
 invested^[1] - 1:19:12
 investigating^[3] - 1:60:7
 -, 1:60:8_, 1:60:13
 investigation^[1] -
 1:11:15
 investigations^[1] -
 1:35:21
 investigative^[2] -
 1:19:16_, 1:21:4

involved^[5] - 1:24:5_,
 1:33:8_, 1:37:20_, 1:38:1_,
 1:42:24
 Iran^[3] - 1:15:12_, 1:16:1
 -, 1:23:18
 Iran-Contra^[3] - 1:15:12
 -, 1:16:1_, 1:23:18
 irreconcilable^[2] - 1:5:6
 -, 1:18:14
 irrelevant^[1] - 1:9:9
 IRVING^[1] - 1:3:22
 Irving^[1] - 1:3:22
 isolated^[1] - 1:12:5
 issue^[21] - 1:5:13_, 1:6:5
 -, 1:7:8_, 1:14:1_, 1:14:9_,
 1:14:15_, 1:16:1_, 1:17:6_,
 1:17:13_, 1:22:23_, 1:27:21
 -, 1:27:22_, 1:27:24_, 1:28:9
 -, 1:30:7_, 1:37:2_, 1:37:6_,
 1:49:15_, 1:68:8_, 1:68:22_,
 1:70:11
 issued^[4] - 1:10:25_,
 1:32:10_, 1:37:9_, 1:38:3
 issues^[3] - 1:26:4_,
 1:70:14_, 1:72:5
 itself^[4] - 1:8:2_, 1:8:22_,
 1:60:5_, 1:60:8

J

Jack^[4] - 1:4:5_, 1:5:8_,
 1:12:3_, 1:13:23
 Jackson^[1] - 1:66:19
 James^[5] - 1:3:10_,
 1:12:1_, 1:23:22_, 1:30:22_,
 1:67:24
 Jay^[1] - 1:3:9
 job^[1] - 1:50:23
 John^[2] - 1:3:22_,
 1:42:23
 Jones^[1] - 1:69:6
 Jones'^[1] - 1:68:10
 Judge^[19] - 1:4:18_,
 1:5:12_, 1:5:19_, 1:6:6_,
 1:7:24_, 1:9:12_, 1:16:13_,
 1:19:1_, 1:26:18_, 1:27:2_,
 1:29:17_, 1:66:11_, 1:66:19
 -, 1:67:15_, 1:68:10_, 1:69:6
 -, 1:69:21_, 1:72:7_, 1:72:11
 judges^[3] - 1:19:8_,
 1:52:18_, 1:55:4
 judgment^[1] - 1:63:15
 judgments^[4] - 1:32:3_,
 1:33:4_, 1:64:14_, 1:65:3

jump^[1] - 1:6:2
 juncture^[1] - 1:72:16
 June^[2] - 1:37:16_,
 1:56:17
 justice^[1] - 1:29:3
 Justice^[25] - 1:20:18_,
 1:27:14_, 1:27:22_, 1:30:23
 -, 1:35:4_, 1:35:20_, 1:39:9_,
 1:39:11_, 1:41:20_, 1:41:24
 -, 1:42:3_, 1:48:13_, 1:50:4_,
 1:55:2_, 1:55:25_, 1:57:2_,
 1:59:9_, 1:59:12_, 1:59:25_,
 1:60:6_, 1:60:7_, 1:62:4_,
 1:62:23_, 1:69:14_, 1:71:3
 justified^[1] - 1:25:2

K

Kavanaugh^[3] - 1:59:9
 -, 1:59:12_, 1:59:25
 Kendra^[1] - 1:3:13
 kind^[13] - 1:10:21_,
 1:33:10_, 1:42:12_, 1:47:8_,
 1:51:2_, 1:53:17_, 1:56:1_,
 1:57:18_, 1:58:20_, 1:60:11
 -, 1:60:12_, 1:63:20_,
 1:63:21
 kinds^[3] - 1:28:1_, 1:69:4
 -, 1:70:24

L

Lacey^[1] - 1:58:14
 lack^[2] - 1:6:4_, 1:13:8
 lacked^[1] - 1:47:18
 laid^[2] - 1:69:2_, 1:69:7
 language^[30] - 1:9:6_,
 1:9:14_, 1:10:1_, 1:10:17_,
 1:10:20_, 1:10:23_, 1:11:3_,
 1:14:4_, 1:14:12_, 1:14:17_,
 1:17:7_, 1:20:1_, 1:20:6_,
 1:20:24_, 1:23:11_, 1:25:19
 -, 1:27:14_, 1:29:24_, 1:30:8
 -, 1:33:23_, 1:34:13_, 1:35:7
 -, 1:35:14_, 1:35:16_, 1:63:6
 -, 1:66:14_, 1:66:23_,
 1:67:11_, 1:68:17_, 1:69:16
 languages^[1] - 1:26:8
 lapse^[1] - 1:60:14
 lapsed^[3] - 1:16:7_,
 1:56:16_, 1:58:12
 largely^[1] - 1:22:2
 last^[7] - 1:28:16_, 1:29:17
 -, 1:31:4_, 1:31:14_, 1:37:9_,
 1:37:11_, 1:58:9

lastly^[1] - 1:71:15
 Law^[6] - 1:9:13, 1:10:1, 1:10:2, 1:10:6, 1:10:10, 1:32:11
 law^[54] - 1:3:19, 1:5:10, 1:5:11, 1:5:17, 1:5:24, 1:9:16, 1:13:12, 1:13:17, 1:13:25, 1:14:10, 1:14:16, 1:14:22, 1:16:12, 1:17:12, 1:22:9, 1:22:13, 1:22:16, 1:22:20, 1:23:1, 1:23:5, 1:23:12, 1:23:14, 1:24:2, 1:24:20, 1:24:21, 1:24:24, 1:25:2, 1:26:13, 1:30:15, 1:31:1, 1:31:3, 1:31:6, 1:31:7, 1:31:10, 1:33:10, 1:33:25, 1:34:16, 1:35:3, 1:35:11, 1:35:12, 1:35:23, 1:36:11, 1:36:12, 1:36:21, 1:43:18, 1:43:21, 1:46:9, 1:49:13, 1:49:21, 1:60:19, 1:60:21, 1:60:24, 1:67:8, 1:67:13
 lawful^[1] - 1:41:11
 laws^[4] - 1:27:8, 1:27:12, 1:30:3, 1:42:25
 lawyers^[1] - 1:62:11
 Lazaro^[1] - 1:3:13
 leading^[1] - 1:45:15
 leads^[1] - 1:65:11
 least^[11] - 1:13:3, 1:15:5, 1:19:4, 1:29:20, 1:32:10, 1:32:18, 1:35:4, 1:40:10, 1:41:21, 1:45:25, 1:54:16
 leave^[2] - 1:3:14, 1:3:19
 lectern^[1] - 1:4:17
 led^[5] - 1:11:16, 1:17:18, 1:20:25, 1:26:7, 1:60:14
 legal^[2] - 1:55:7, 1:70:25
 legislative^[1] - 1:26:1
 length^[1] - 1:14:9
 less^[5] - 1:17:2, 1:18:25, 1:37:24, 1:53:8, 1:72:3
 letter^[1] - 1:34:3
 level^[8] - 1:19:19, 1:23:6, 1:24:6, 1:26:16, 1:41:19, 1:60:9, 1:63:15, 1:65:12
 levels^[1] - 1:23:25
 liberty^[3] - 1:7:2, 1:7:8, 1:69:4
 light^[1] - 1:49:4
 limitation^[1] - 1:27:16

limited^[4] - 1:8:13, 1:26:11, 1:32:13
 limitless^[3] - 1:31:16, 1:31:23, 1:40:14
 limits^[1] - 1:65:24
 line^[4] - 1:30:9, 1:39:4, 1:44:9, 1:44:25
 linked^[1] - 1:68:23
 lists^[1] - 1:65:15
 literally^[1] - 1:70:6
 litigation^[2] - 1:23:8, 1:24:3
 live^[1] - 1:4:10
 loan^[1] - 1:16:3
 locate^[1] - 1:48:9
 logical^[1] - 1:62:6
 long-standing^[1] - 1:30:23
 longstanding^[1] - 1:36:4
 look^[17] - 1:6:18, 1:10:22, 1:11:4, 1:12:12, 1:14:22, 1:17:16, 1:17:20, 1:24:20, 1:25:9, 1:26:3, 1:26:6, 1:40:15, 1:42:21, 1:43:11, 1:70:17, 1:71:5
 looked^[6] - 1:6:8, 1:6:9, 1:6:20, 1:11:9, 1:51:7, 1:52:1
 looking^[11] - 1:5:22, 1:15:11, 1:26:19, 1:33:24, 1:35:8, 1:37:21, 1:38:18, 1:54:22, 1:67:23, 1:71:12, 1:71:24
 looks^[4] - 1:7:4, 1:10:10, 1:14:6, 1:40:4
 losing^[1] - 1:7:9
 lower^[1] - 1:29:12
 lowercase^[4] - 1:24:23, 1:25:4, 1:26:5, 1:34:4
 lunch^[1] - 1:72:22

M

main^[4] - 1:5:2, 1:9:13, 1:67:12
 majority^[1] - 1:33:20
 Malcolm^[1] - 1:58:14
 mandamus^[1] - 1:7:7
 manner^[1] - 1:7:15
 Manual^[1] - 1:27:22
 March^[3] - 1:37:4, 1:37:13, 1:38:20
 marijuana^[1] - 1:30:3
 marks^[1] - 1:34:20
 massacre^[1] - 1:54:8
 material^[2] - 1:9:10, 1:30:6
 materials^[2] - 1:4:8, 1:56:9
 matter^[5] - 1:20:4, 1:21:24, 1:59:24, 1:67:18, 1:67:20
 matters^[3] - 1:16:16, 1:50:25, 1:52:19
 McIntosh^[20] - 1:6:15, 1:6:23, 1:7:4, 1:7:8, 1:7:11, 1:16:19, 1:17:3, 1:17:4, 1:17:17, 1:18:1, 1:29:18, 1:29:21, 1:29:23, 1:30:7, 1:47:11, 1:47:20, 1:69:12, 1:69:15, 1:70:1
 McKay^[1] - 1:23:22
 mean^[21] - 1:13:24, 1:15:21, 1:20:14, 1:22:18, 1:24:17, 1:25:5, 1:26:13, 1:39:22, 1:48:20, 1:49:18, 1:52:24, 1:56:9, 1:57:17, 1:58:3, 1:61:25, 1:62:25, 1:64:2, 1:65:12, 1:66:22, 1:67:13, 1:70:9
 meaning^[2] - 1:57:11, 1:63:8
 meaningful^[1] - 1:66:20
 meaningfully^[2] - 1:46:4, 1:47:19
 means^[10] - 1:6:10, 1:24:4, 1:24:22, 1:26:19, 1:32:17, 1:53:8, 1:67:14, 1:71:17, 1:71:18
 meant^[4] - 1:9:18, 1:23:5, 1:25:23, 1:29:3
 mechanism^[1] - 1:52:22
 medical^[1] - 1:30:2
 meet^[3] - 1:17:22, 1:30:13, 1:69:18
 meeting^[1] - 1:63:6
 mention^[3] - 1:44:19, 1:53:4, 1:61:1
 mentioned^[7] - 1:32:15, 1:37:6, 1:41:16, 1:48:10, 1:51:7, 1:51:24, 1:59:24
 merits^[1] - 1:6:2
 midstream^[1] - 1:53:21
 might^[2] - 1:26:13, 1:71:7
 military^[1] - 1:65:14

million^[5] - 1:34:24, 1:38:21, 1:38:23, 1:39:1, 1:39:17
 mindful^[1] - 1:14:10
 minutes^[2] - 1:16:19, 1:64:23
 mirror^[1] - 1:15:16
 mirrored^[3] - 1:16:4, 1:16:7, 1:23:15
 mirrors^[1] - 1:23:20
 misconduct^[1] - 1:29:8
 mismatch^[2] - 1:18:12, 1:18:13
 misnomer^[3] - 1:56:12, 1:56:18, 1:57:25
 mistake^[1] - 1:57:22
 modern^[3] - 1:45:15, 1:57:11, 1:61:9
 modification^[1] - 1:72:20
 modified^[1] - 1:68:6
 modify^[1] - 1:53:7
 moment^[3] - 1:18:22, 1:33:21, 1:37:18
 monetarily^[1] - 1:39:16
 money^[12] - 1:8:25, 1:17:8, 1:25:20, 1:40:6, 1:41:23, 1:49:6, 1:49:19, 1:49:23, 1:66:24, 1:67:1, 1:67:9
 moneys^[2] - 1:32:1, 1:50:3
 month^[5] - 1:37:1, 1:37:4, 1:37:8, 1:38:24, 1:39:16
 months^[1] - 1:37:1
 morning^[18] - 1:3:2, 1:3:9, 1:3:11, 1:3:12, 1:3:14, 1:3:16, 1:3:17, 1:3:21, 1:3:22, 1:3:25, 1:4:2, 1:4:14, 1:5:9, 1:10:4, 1:25:1, 1:30:20, 1:30:21, 1:72:19
 Morrison^[1] - 1:29:4
 most^[7] - 1:15:19, 1:29:9, 1:32:19, 1:36:11, 1:42:22, 1:54:20, 1:58:23
 motion^[26] - 1:4:2, 1:4:4, 1:5:3, 1:5:14, 1:6:12, 1:6:14, 1:7:24, 1:9:12, 1:9:13, 1:9:14, 1:12:4, 1:16:24, 1:20:15, 1:22:7, 1:27:21, 1:29:16, 1:30:9, 1:30:15, 1:47:1, 1:49:3,

1:62:20_, 1:70:13_, 1:71:7_,
1:72:12_, 1:72:19_, 1:72:21
MR [123]_ - 1:3:9_, 1:3:12_,
1:3:17_, 1:3:22_, 1:4:15_,
1:4:18_, 1:5:19_, 1:6:6_,
1:7:2_, 1:7:24_, 1:9:3_,
1:9:12_, 1:10:1_, 1:11:2_,
1:12:8_, 1:12:17_, 1:12:21_,
1:12:23_, 1:12:25_, 1:13:12
, 1:15:5, 1:15:16_, 1:15:23
, 1:16:13, 1:16:17_, 1:17:1
, 1:17:4, 1:18:13_, 1:19:1_,
1:20:8_, 1:20:12_, 1:22:1_,
1:22:17_, 1:23:2_, 1:26:2_,
1:27:2_, 1:29:17_, 1:30:21_,
1:31:8_, 1:31:12_, 1:31:17_,
1:31:24_, 1:32:6_, 1:32:9_,
1:32:22_, 1:32:25_, 1:33:3_,
1:34:1_, 1:34:10_, 1:34:17_,
1:35:10_, 1:35:18_, 1:35:25
, 1:36:16, 1:36:22_, 1:37:3
, 1:37:11, 1:37:17_,
1:38:11_, 1:39:4_, 1:39:21_,
1:40:8_, 1:40:18_, 1:40:20_,
1:40:24_, 1:41:13_, 1:41:19
, 1:42:5, 1:42:11_, 1:42:16
, 1:43:6, 1:43:8_, 1:43:10_,
1:44:6_, 1:44:24_, 1:45:13_,
1:46:4_, 1:46:12_, 1:46:18_,
1:46:24_, 1:47:11_, 1:47:22
, 1:48:11, 1:48:19_, 1:49:8
, 1:50:1, 1:50:17_, 1:51:2_,
1:51:17_, 1:51:20_, 1:52:15
, 1:52:24, 1:53:14_,
1:53:17_, 1:53:22_, 1:54:5_,
1:54:12_, 1:54:16_, 1:54:19
, 1:55:18, 1:56:11_, 1:57:9
, 1:57:21, 1:58:3_, 1:58:6_,
1:58:25_, 1:59:10_, 1:59:12
, 1:59:23, 1:61:1_, 1:61:6_,
1:61:17_, 1:61:23_, 1:62:6_,
1:62:24_, 1:63:17_, 1:64:9_,
1:64:11_, 1:64:22_, 1:65:6_,
1:65:23_, 1:66:9_, 1:66:11
mulligan [1]_ - 1:71:4
Murrell [1]_ - 1:3:23
must [1]_ - 1:30:11
Myers [1]_ - 1:61:2
MYERS [1]_ - 1:61:2

N

namely [1]_ - 1:47:2
names [1]_ - 1:65:15
naturally [1]_ - 1:48:20
nature [1]_ - 1:40:19
Nauta [2]_ - 1:3:5_, 1:3:18
necessarily [3]_ - 1:50:8_,

1:64:20_, 1:68:23
necessary [2]_ - 1:8:4_,
1:35:20
need [9]_ - 1:10:8_, 1:23:1
, 1:25:25, 1:26:3_, 1:41:12
, 1:42:8, 1:50:17_, 1:60:10
_, 1:67:9
needed [1]_ - 1:45:11
needs [3]_ - 1:40:15_,
1:48:14_, 1:49:6
never [1]_ - 1:11:16
new [1]_ - 1:53:19
next [6]_ - 1:9:20_, 1:17:15
, 1:17:16, 1:26:9_, 1:59:4_,
1:59:10
Nguyen [2]_ - 1:43:17_,
1:45:16
Nicholas [1]_ - 1:58:14
night [2]_ - 1:54:8_, 1:58:9
Ninth [3]_ - 1:6:15_, 1:7:7_,
1:29:25
Nixon [1]_ - 1:14:10
nobody [1]_ - 1:11:11
Nofziger [2]_ - 1:16:2_,
1:23:22
nominate [1]_ - 1:65:16
nominated [1]_ - 1:63:24
nomination [1]_ - 1:63:14
nomination/Senate [2]_ -
1:64:4_, 1:65:8
nonconstitutional [1]_ -
1:50:12
Norton [2]_ - 1:43:19_,
1:45:13
note [10]_ - 1:4:10_, 1:9:8_,
1:9:15_, 1:26:10_, 1:34:8_,
1:34:11_, 1:34:15_, 1:34:20
_, 1:35:18
noted [1]_ - 1:69:8
nothing [1]_ - 1:48:3
notice [1]_ - 1:58:9
noticed [1]_ - 1:36:24
notion [4]_ - 1:44:16_,
1:47:23_, 1:54:13_, 1:55:21
November [2]_ - 1:25:2_,
1:38:20
Number [2]_ - 1:3:6_,
1:17:21
number [1]_ - 1:48:9
numbered [1]_ - 1:25:10
numbers [1]_ - 1:25:12

O

objection [1]_ - 1:48:17
obligation [2]_ - 1:8:3_,
1:11:4
observed [1]_ - 1:70:19
obviously [3]_ - 1:16:20_,
1:44:6_, 1:46:12
occasion [2]_ - 1:41:10_,
1:69:9
offer [1]_ - 1:48:8
Office [9]_ - 1:4:19_,
1:8:10_, 1:10:15_, 1:13:2_,
1:36:25_, 1:39:2_, 1:69:23_,
1:70:15_, 1:70:25
office [1]_ - 1:55:17
office's [1]_ - 1:37:19
officer [22]_ - 1:43:16_,
1:44:4_, 1:44:11_, 1:45:5_,
1:45:10_, 1:46:6_, 1:53:10_,
1:54:23_, 1:54:24_, 1:60:22
, 1:61:10, 1:61:20_, 1:62:4
, 1:62:13, 1:62:14_,
1:62:17_, 1:62:18_, 1:62:22
, 1:63:2, 1:63:4_, 1:64:15_,
1:65:10
officers [9]_ - 1:62:2_,
1:62:10_, 1:63:7_, 1:63:22_,
1:63:23_, 1:64:8_, 1:65:12_,
1:65:14_, 1:71:23
Offices [1]_ - 1:37:5
official [1]_ - 1:60:9
old [5]_ - 1:15:8_, 1:15:13_,
1:16:4_, 1:23:24_, 1:53:5
older [1]_ - 1:43:18
Oliveira [2]_ - 1:3:6_,
1:3:23
omitted [1]_ - 1:52:5
once [2]_ - 1:23:23_,
1:31:14
one [59]_ - 1:5:3_, 1:5:9_,
1:6:6_, 1:6:7_, 1:8:9_, 1:8:13
, 1:10:25, 1:13:14_,
1:13:22_, 1:17:2_, 1:17:17_,
1:19:5_, 1:19:10_, 1:20:1_,
1:29:1_, 1:31:25_, 1:32:1_,
1:32:5_, 1:32:20_, 1:35:12_,
1:37:5_, 1:38:3_, 1:38:19_,
1:38:20_, 1:40:15_, 1:40:20
, 1:40:22, 1:42:19_, 1:43:1
, 1:44:9, 1:45:5_, 1:48:12_,
1:48:21_, 1:49:9_, 1:50:10_,
1:50:12_, 1:51:9_, 1:52:25_,
1:53:18_, 1:55:11_, 1:56:14
, 1:60:2, 1:61:1_, 1:61:15_,
1:62:4_, 1:62:22_, 1:63:2_,

1:63:3_, 1:64:22_, 1:65:6_,
1:65:7_, 1:66:20_, 1:67:17_,
1:67:21_, 1:68:4_, 1:68:6_,
1:72:6
one-off [1]_ - 1:53:18
ones [2]_ - 1:15:10_,
1:53:19
ongoing [1]_ - 1:7:10
operate [3]_ - 1:27:17_,
1:30:11_, 1:60:6
operates [3]_ - 1:4:23_,
1:8:7_, 1:29:20
operating [2]_ - 1:42:13_,
1:57:2
operation [1]_ - 1:57:15
operations [2]_ - 1:41:25
_, 1:60:7
operative [4]_ - 1:34:12_,
1:57:16_, 1:67:7_, 1:67:11
opinion [4]_ - 1:11:7_,
1:17:5_, 1:41:1_, 1:63:3
opinions [5]_ - 1:11:8_,
1:33:20_, 1:36:2_, 1:51:6_,
1:63:2
OPM [1]_ - 1:8:10
opportunity [1]_ - 1:41:18
opposed [2]_ - 1:50:6_,
1:57:3
opposite [3]_ - 1:15:20_,
1:15:21_, 1:21:25
opposition [6]_ - 1:4:5_,
1:5:3_, 1:6:3_, 1:41:16_,
1:44:1_, 1:45:7
order [7]_ - 1:3:1_, 1:30:10
, 1:46:24, 1:53:7_, 1:54:4_,
1:67:24_, 1:68:1
orders [2]_ - 1:54:14_,
1:68:6
outcome [1]_ - 1:18:2
outcomes [1]_ - 1:22:19
outside [2]_ - 1:37:18_,
1:60:6
overflow [1]_ - 1:4:11
overly [1]_ - 1:60:13
overrule [1]_ - 1:55:4
overruled [1]_ - 1:40:11
overseeing [3]_ - 1:22:5_,
1:52:18_, 1:53:11
oversight [6]_ - 1:22:21_,
1:63:18_, 1:70:7_, 1:71:19_,
1:71:22_, 1:72:16
own [2]_ - 1:43:22_,
1:58:16

p			
p.m [1] - 1:72:20	1:40:24, 1:41:13, 1:41:19	piece [7] - 1:5:20, 1:13:14, 1:36:21, 1:43:25	1:54:15
page [3] - 1:25:12, 1:36:25, 1:45:19	1:42:5, 1:42:11, 1:42:16	1:45:5, 1:49:13, 1:60:1	post-2009 [1] - 1:11:1
paid [4] - 1:39:3, 1:39:5, 1:39:6, 1:39:19	1:43:6, 1:43:8, 1:43:10, 1:44:6, 1:44:24, 1:45:13, 1:46:4, 1:46:12, 1:46:18, 1:46:24, 1:47:11, 1:47:22	pieces [1] - 1:34:1	posture [1] - 1:18:25
panel [1] - 1:19:7	1:48:11, 1:48:19, 1:49:8	pitfalls [1] - 1:55:10	potential [4] - 1:16:15, 1:18:21, 1:54:14, 1:54:22
Papers [1] - 1:63:20	1:50:1, 1:50:17, 1:51:2, 1:51:17, 1:51:20, 1:52:15	place [7] - 1:25:8, 1:31:14, 1:43:1, 1:46:4, 1:50:7, 1:53:19, 1:70:2	power [4] - 1:8:12, 1:19:21, 1:55:8, 1:57:14
paragraph [9] - 1:9:17, 1:21:10, 1:27:13, 1:28:10	1:52:24, 1:53:14, 1:53:17, 1:53:22, 1:54:5, 1:54:12, 1:54:16, 1:54:19	placed [1] - 1:14:15	powerful [1] - 1:12:4
1:28:11, 1:55:1, 1:67:6, 1:67:7	1:55:18, 1:56:11, 1:57:9	places [1] - 1:42:18	powers [16] - 1:8:17, 1:8:21, 1:12:9, 1:13:1, 1:13:9, 1:19:17, 1:30:11, 1:40:15, 1:41:4, 1:41:8, 1:54:23, 1:68:14, 1:68:17
parallel [1] - 1:19:19	1:57:21, 1:58:3, 1:58:6, 1:58:25, 1:59:10, 1:59:12	plain [1] - 1:31:1	1:68:22, 1:70:14, 1:72:5
parity [2] - 1:43:12, 1:43:13	1:59:23, 1:61:1, 1:61:6, 1:61:17, 1:61:23, 1:62:6, 1:62:24, 1:63:17, 1:64:9, 1:64:11, 1:64:22, 1:65:6, 1:65:23, 1:66:9	play [4] - 1:12:24, 1:23:15, 1:24:9, 1:33:20	practical [4] - 1:30:2, 1:65:12, 1:67:18, 1:67:20
part [19] - 1:10:17, 1:12:4	penultimate [1] - 1:55:1	pleasant [1] - 1:72:22	practice [4] - 1:30:24, 1:36:4, 1:37:1, 1:55:14
1:12:8, 1:15:8, 1:15:13, 1:16:1, 1:20:11, 1:20:12, 1:21:9, 1:21:16, 1:22:9, 1:23:19, 1:23:24, 1:24:14	people [3] - 1:24:5, 1:57:12, 1:65:17	plenty [1] - 1:64:2	practices [9] - 1:27:15, 1:27:16, 1:27:20, 1:27:21
1:26:9, 1:52:17, 1:59:4, 1:61:18	percentage [3] - 1:12:22	point [31] - 1:10:3, 1:13:4	1:27:23, 1:38:13, 1:53:24, 1:69:24, 1:70:8
particular [5] - 1:12:6, 1:27:16, 1:49:11, 1:57:6, 1:66:15	1:32:17, 1:32:19	1:13:9, 1:14:19, 1:19:23	pre [1] - 1:11:1
particularly [1] - 1:52:21	Perez [1] - 1:14:18	1:20:23, 1:21:16, 1:21:19, 1:22:1, 1:22:6, 1:24:4, 1:24:10, 1:26:14, 1:29:2, 1:29:17, 1:31:22, 1:32:9, 1:34:22, 1:40:20, 1:42:19, 1:48:23, 1:59:16	preceded [2] - 1:13:6, 1:15:9
parties [2] - 1:3:7, 1:44:18	perform [1] - 1:9:21	1:63:21, 1:64:17, 1:66:4	precedes [4] - 1:10:23, 1:25:19, 1:66:14, 1:66:23
parts [3] - 1:25:11, 1:39:9, 1:39:10	performance [1] - 1:28:20	1:67:12, 1:67:15, 1:68:9	precise [4] - 1:37:7, 1:38:5, 1:39:22, 1:63:6
passed [2] - 1:31:1, 1:57:6	perhaps [2] - 1:7:21, 1:46:14	1:69:10, 1:69:21, 1:71:23	precisely [2] - 1:34:10, 1:38:11
past [1] - 1:37:21	period [10] - 1:20:15, 1:20:16, 1:20:17, 1:37:12	pointed [1] - 1:31:7	precision [1] - 1:39:23
patent [1] - 1:55:4	1:37:24, 1:38:4, 1:38:20	points [3] - 1:22:11, 1:59:25, 1:66:12	predates [1] - 1:55:18
path [1] - 1:24:11	1:38:24, 1:39:16, 1:56:16	policies [8] - 1:27:3, 1:27:7, 1:27:10, 1:27:11, 1:27:15, 1:27:20, 1:28:9	predecessor [1] - 1:23:20
Patrick [1] - 1:11:21	periods [2] - 1:37:4, 1:57:7	policy [3] - 1:27:9, 1:29:12, 1:55:25	preliminary [1] - 1:7:17
pausing [1] - 1:61:23	peripherally [1] - 1:46:1	political [4] - 1:24:5, 1:55:12, 1:60:9, 1:71:2	prepared [2] - 1:4:8, 1:41:23
pay [1] - 1:35:20	permanent [16] - 1:4:20	portion [1] - 1:37:20	prescribe [1] - 1:43:22
paying [1] - 1:32:3	1:9:23, 1:30:25, 1:31:5, 1:31:17, 1:31:20, 1:32:12	position [32] - 1:5:6, 1:11:10, 1:11:19, 1:11:22	present [5] - 1:3:19, 1:5:22, 1:24:20, 1:24:21, 1:49:3
payment [4] - 1:8:25, 1:33:4, 1:49:6, 1:49:23	1:34:11, 1:35:5, 1:35:19	1:18:1, 1:18:11, 1:18:14	presentation [1] - 1:50:14
Pearce [4] - 1:3:10, 1:30:22, 1:50:23, 1:66:8	1:39:3, 1:39:6, 1:50:6, 1:51:11, 1:70:18, 1:71:4	1:18:19, 1:22:13, 1:22:20, 1:22:21, 1:36:13	presented [1] - 1:66:19
PEARCE [85] - 1:30:21, 1:31:8, 1:31:12, 1:31:17, 1:31:24, 1:32:6, 1:32:9, 1:32:22, 1:32:25, 1:33:3, 1:34:1, 1:34:10, 1:34:17, 1:35:10, 1:35:18, 1:35:25	persisting [2] - 1:5:4, 1:18:11	1:44:3, 1:44:10, 1:45:9, 1:45:18, 1:47:24, 1:50:3, 1:62:1, 1:62:8, 1:62:9, 1:62:10, 1:62:14, 1:62:15	presents [1] - 1:60:4
1:36:16, 1:36:22, 1:37:3	person [1] - 1:63:9	1:64:5, 1:64:12, 1:64:19	presidency [2] - 1:59:13
1:37:11, 1:37:17, 1:38:11, 1:39:4, 1:39:21, 1:40:8, 1:40:18, 1:40:20,	perspective [1] - 1:12:9	1:68:7, 1:69:2, 1:71:18, 1:71:25, 1:72:2	1:60:1
	persuaded [1] - 1:50:20	positions [3] - 1:21:21, 1:22:9, 1:64:18	President [6] - 1:3:14, 1:4:3, 1:7:3, 1:11:11, 1:71:7, 1:72:8
	persuasive [1] - 1:68:12	possibility [2] - 1:53:6,	president [5] - 1:63:3, 1:63:5, 1:63:24, 1:65:16, 1:66:1
	petition [1] - 1:7:7		
	phrase [4] - 1:13:12, 1:14:10, 1:26:5, 1:29:10		
	picture [2] - 1:5:1, 1:45:12		

presidential^[4] - 1:63:13
 -, 1:64:3-, 1:65:7-, 1:65:8
 presidentially^[1] -
 1:66:2
 pressure^[1] - 1:55:12
 presumably^[1] - 1:23:1
 presumption^[1] -
 1:55:20
 pretty^[2] - 1:8:9-, 1:19:13
 prevented^[1] - 1:47:15
 prevents^[1] - 1:30:2
 principal^[19] - 1:22:1-,
 1:22:6-, 1:22:15-, 1:35:25-,
 1:53:10-, 1:54:23-, 1:54:24
 -, 1:59:20-, 1:62:13-,
 1:62:14-, 1:62:17-, 1:62:18
 -, 1:62:22-, 1:63:2-, 1:63:4-,
 1:63:7-, 1:64:7-, 1:65:10-,
 1:71:23
 principally^[1] - 1:49:12
 pro^[1] - 1:65:18
 problem^[7] - 1:13:1-,
 1:30:16-, 1:41:8-, 1:44:17-,
 1:47:25-, 1:68:14-, 1:68:21
 problematic^[2] -
 1:32:21-, 1:52:8
 procedure^[1] - 1:64:21
 Procedures^[1] - 1:14:1
 procedures^[2] - 1:27:4
 -, 1:27:15
 proceed^[3] - 1:6:23-,
 1:17:25-, 1:28:23
 proceeding^[3] - 1:4:12-,
 1:7:16-, 1:12:12
 proceedings^[3] -
 1:29:19-, 1:69:3-, 1:72:24
 process^[10] - 1:38:7-,
 1:38:9-, 1:63:14-, 1:63:21-,
 1:64:18-, 1:65:5-, 1:65:14-,
 1:65:18-, 1:71:10-, 1:71:24
 produces^[2] - 1:63:21-,
 1:63:23
 producing^[2] - 1:62:21-,
 1:62:25
 PROMESA^[1] - 1:45:20
 promulgating^[1] -
 1:60:17
 promulgation^[1] -
 1:15:13
 proposals^[1] - 1:38:10
 proposition^[3] - 1:8:6-,
 1:15:17-, 1:62:22
 prosecute^[1] - 1:47:16

prosecution^[6] - 1:7:10
 -, 1:27:21-, 1:47:14-,
 1:48:15-, 1:69:16-, 1:69:20
 prosecutions^[6] -
 1:11:16-, 1:13:4-, 1:17:9-,
 1:30:1-, 1:35:21-, 1:71:21
 prosecutor^[8] - 1:19:2-,
 1:22:24-, 1:53:15-, 1:54:10
 -, 1:55:13-, 1:55:16-, 1:56:4
 -, 1:56:14
 prosecutorial^[3] -
 1:19:16-, 1:21:5-, 1:28:24
 prosecutors^[5] -
 1:20:20-, 1:54:7-, 1:58:21-,
 1:70:2-, 1:71:13
 prospective^[2] - 1:43:12
 -, 1:43:13
 provide^[1] - 1:31:12
 provided^[11] - 1:9:7-,
 1:9:15-, 1:9:21-, 1:22:4-,
 1:25:19-, 1:33:24-, 1:34:15
 -, 1:35:18-, 1:67:11-,
 1:69:10-, 1:70:25
 provides^[3] - 1:40:5-,
 1:43:16-, 1:64:3
 providing^[1] - 1:39:24
 provision^[6] - 1:11:6-,
 1:19:15-, 1:20:20-, 1:28:18
 -, 1:28:21-, 1:33:6
 provisions^[7] - 1:6:1-,
 1:19:25-, 1:25:15-, 1:27:22
 -, 1:28:17-, 1:29:1-, 1:35:22
 Public^[5] - 1:9:13-,
 1:10:1-, 1:10:2-, 1:10:6-,
 1:10:10
 public^[4] - 1:35:12-,
 1:37:13-, 1:37:16-, 1:40:3
 pure^[1] - 1:59:19
 purpose^[3] - 1:33:16-,
 1:41:5-, 1:52:6
 purposes^[8] - 1:13:18-,
 1:13:25-, 1:14:16-, 1:21:18
 -, 1:30:9-, 1:30:15-, 1:38:14
 -, 1:69:19
 pursuant^[17] - 1:5:23-,
 1:7:25-, 1:10:2-, 1:11:3-,
 1:15:24-, 1:16:6-, 1:17:20-,
 1:19:15-, 1:21:3-, 1:21:12-,
 1:21:17-, 1:23:24-, 1:28:2-,
 1:35:3-, 1:35:22-, 1:36:20-,
 1:67:2
 pursue^[3] - 1:6:5-,
 1:6:18-, 1:6:19
 pursued^[1] - 1:21:13
 pursuing^[2] - 1:7:6-,

1:48:16
 push^[1] - 1:72:16
 put^[1] - 1:25:6

 Q

 quality^[2] - 1:63:23-,
 1:65:11
 question-producing^[2] -
 1:62:21-, 1:62:25
 questions^[2] - 1:11:23-,
 1:46:20
 quick^[3] - 1:58:1-,
 1:60:19-, 1:65:20
 quickly^[2] - 1:10:4-,
 1:38:5
 quotation^[2] - 1:9:8-,
 1:34:20
 quote^[6] - 1:5:23-,
 1:13:17-, 1:13:25-, 1:21:13
 -, 1:27:6-, 1:27:7
 quoted^[2] - 1:52:5-,
 1:55:1
 quotes^[2] - 1:46:21-,
 1:46:25

 R

 raise^[2] - 1:47:1-,
 1:50:25
 raised^[6] - 1:13:5-,
 1:27:23-, 1:27:25-, 1:46:5-,
 1:49:24-, 1:64:23
 raising^[1] - 1:7:18
 ranking^[1] - 1:60:8
 rather^[1] - 1:47:13
 rationale^[3] - 1:33:20-,
 1:41:7-, 1:61:19
 re^[1] - 1:67:21
 re-highlight^[1] - 1:67:21
 reach^[2] - 1:62:19-,
 1:64:19
 reaching^[1] - 1:29:9
 react^[1] - 1:71:8
 read^[4] - 1:28:6-, 1:33:11
 -, 1:41:4-, 1:57:9
 readily^[1] - 1:41:16
 reading^[1] - 1:29:24
 real^[4] - 1:30:16-,
 1:67:18-, 1:71:12-, 1:71:23
 realistically^[1] - 1:55:11
 reality^[2] - 1:54:3-,
 1:55:5

really^[23] - 1:5:8-,
 1:10:11-, 1:11:13-, 1:14:1-,
 1:24:11-, 1:28:7-, 1:28:20-,
 1:36:1-, 1:39:17-, 1:41:11-,
 1:47:12-, 1:51:4-, 1:54:15-,
 1:55:15-, 1:56:13-, 1:67:12
 -, 1:69:8-, 1:70:13-, 1:71:1-,
 1:71:18-, 1:72:6-, 1:72:14-,
 1:72:17
 reason^[5] - 1:12:8-,
 1:32:20-, 1:36:16-, 1:47:7-,
 1:58:10
 reasoning^[3] - 1:29:20-,
 1:69:15-, 1:70:1
 reasons^[5] - 1:7:21-,
 1:13:22-, 1:14:23-, 1:70:22
 -, 1:70:24
 reasserted^[1] - 1:6:3
 reauthorized^[1] -
 1:56:16
 rebuttal^[1] - 1:22:3
 recent^[3] - 1:4:6-, 1:29:6
 -, 1:33:11
 recently^[2] - 1:32:19-,
 1:42:22
 recision^[1] - 1:53:20
 recognized^[1] - 1:18:3
 recommendations^[1] -
 1:59:2
 record^[4] - 1:22:2-,
 1:68:4-, 1:70:6-, 1:71:1
 reduction^[1] - 1:52:11
 refer^[2] - 1:38:22-, 1:57:9
 reference^[8] - 1:25:18-,
 1:34:2-, 1:34:4-, 1:35:12-,
 1:38:7-, 1:38:22-, 1:43:14-,
 1:60:22
 referenced^[3] - 1:8:21-,
 1:23:1-, 1:29:7
 references^[2] - 1:9:9-,
 1:66:15
 referred^[4] - 1:58:22-,
 1:66:24-, 1:66:25-, 1:67:7
 refers^[1] - 1:25:16
 reflected^[1] - 1:24:7
 refund^[2] - 1:25:21-,
 1:67:9
 refunding^[2] - 1:32:1-,
 1:33:6
 reg^[1] - 1:21:4
 regarding^[1] - 1:27:25
 regime^[1] - 1:53:5
 Register^[3] - 1:14:4-,
 1:20:2-, 1:20:24

regs^[1] - 1:16:6
 regularity^[1] - 1:55:20
 regulation^[11] - 1:14:2_,
 1:14:3_, 1:20:11_, 1:20:13_,
 1:39:8_, 1:53:12_, 1:53:14_,
 1:53:20_, 1:53:25_, 1:54:3_,
 1:54:6
 Regulations^[25] -
 1:11:10_, 1:12:2_, 1:13:6_,
 1:13:17_, 1:13:21_, 1:14:5_,
 1:15:9_, 1:15:18_, 1:15:19_,
 1:19:10_, 1:19:22_, 1:19:25_,
 1:20:3_, 1:21:2_, 1:21:12_,
 1:21:17_, 1:24:9_, 1:26:21_,
 1:27:13_, 1:27:18_, 1:28:2_,
 1:28:10_, 1:29:10_, 1:55:19_,
 1:67:25
 regulations^[41] -
 1:13:24_, 1:14:9_, 1:14:11_,
 1:14:12_, 1:14:15_, 1:14:16_,
 1:15:1_, 1:15:2_, 1:15:3_,
 1:15:8_, 1:15:9_, 1:15:13_,
 1:16:2_, 1:16:3_, 1:18:23_,
 1:23:16_, 1:23:19_, 1:23:22_,
 1:24:14_, 1:26:24_,
 1:27:15_, 1:31:9_, 1:31:12_,
 1:36:2_, 1:38:7_, 1:39:10_,
 1:51:6_, 1:51:23_, 1:51:25_,
 1:52:6_, 1:53:2_, 1:53:7_,
 1:53:18_, 1:57:2_, 1:57:6_,
 1:57:16_, 1:58:18_, 1:60:18_,
 1:67:17_, 1:67:23
 regulatory^[21] - 1:16:5_,
 1:18:10_, 1:23:23_, 1:24:3_,
 1:26:15_, 1:38:3_, 1:51:10_,
 1:52:13_, 1:55:7_, 1:55:23_,
 1:55:24_, 1:56:8_, 1:56:10_,
 1:56:22_, 1:56:23_, 1:57:4_,
 1:57:10_, 1:57:18_, 1:57:23_,
 1:58:19_, 1:58:23
 reign^[1] - 1:60:13
 reimbursement^[1] -
 1:67:1
 reinstalled^[1] - 1:54:10
 rejecting^[1] - 1:68:18
 related^[2] - 1:29:6_,
 1:34:24
 relates^[2] - 1:27:3_,
 1:28:17
 relating^[4] - 1:14:4_,
 1:27:23_, 1:28:23_, 1:28:24
 relative^[1] - 1:6:9
 relatively^[2] - 1:10:4_,
 1:41:19
 relevance^[1] - 1:10:19
 relevant^[15] - 1:6:1_,
 1:8:8_, 1:9:18_, 1:12:3_,
 1:13:8_, 1:21:1_, 1:21:15_,
 1:27:18_, 1:34:2_, 1:40:12_,
 1:51:8_, 1:55:7_, 1:61:10_,
 1:66:22
 reliance^[1] - 1:53:24
 relied^[1] - 1:35:5
 relief^[6] - 1:6:9_, 1:6:19_,
 1:47:1_, 1:48:24_, 1:69:5
 rely^[3] - 1:8:1_, 1:33:12_,
 1:44:21
 relying^[2] - 1:31:9_,
 1:36:22
 remains^[1] - 1:34:10
 remedies^[2] - 1:16:15_,
 1:43:22
 remedy^[12] - 1:17:2_,
 1:17:6_, 1:29:17_, 1:41:10_,
 1:41:14_, 1:43:2_, 1:46:13_,
 1:47:8_, 1:48:17_, 1:68:8_,
 1:68:15_, 1:69:10
 remember^[1] - 1:59:4
 removal^[9] - 1:28:17_,
 1:28:19_, 1:28:21_, 1:29:1_,
 1:29:13_, 1:52:21_, 1:53:1_,
 1:53:2
 removed^[1] - 1:55:16
 renew^[1] - 1:20:17
 renewal^[1] - 1:29:6
 renewed^[8] - 1:19:6_,
 1:20:19_, 1:20:25_, 1:23:10_,
 1:24:16_, 1:25:23_,
 1:26:15_, 1:67:4
 Reno^[27] - 1:11:10_,
 1:12:2_, 1:13:6_, 1:13:17_,
 1:13:20_, 1:14:5_, 1:14:15_,
 1:15:9_, 1:15:18_, 1:15:19_,
 1:19:9_, 1:19:22_, 1:19:25_,
 1:20:2_, 1:21:2_, 1:21:12_,
 1:21:17_, 1:24:9_, 1:26:21_,
 1:27:13_, 1:27:18_, 1:28:2_,
 1:28:10_, 1:29:10_, 1:55:19_,
 1:60:17_, 1:67:25
 Reno's^[1] - 1:55:9
 Repeal^[1] - 1:10:13
 repealed^[2] - 1:53:18_,
 1:54:1
 repeat^[1] - 1:36:16
 repeatedly^[2] - 1:33:19_,
 1:64:17
 reply^[2] - 1:4:5_, 1:44:21
 Report^[1] - 1:28:1
 report^[18] - 1:9:24_,
 1:14:25_, 1:15:7_, 1:25:9_,
 1:25:10_, 1:25:12_, 1:25:20_,
 1:26:7_, 1:26:9_, 1:26:11_,
 1:29:6_, 1:37:9_, 1:37:11_,
 1:37:12_, 1:38:1_, 1:38:22_,
 1:66:24
 reporter^[1] - 1:29:22
 reports^[7] - 1:10:24_,
 1:36:25_, 1:37:6_, 1:37:15_,
 1:37:21_, 1:57:5_, 1:57:9
 represent^[1] - 1:41:22
 representation^[3] -
 1:48:3_, 1:48:6_, 1:62:12
 representations^[1] -
 1:70:6
 represented^[2] - 1:50:7_,
 1:55:21
 require^[2] - 1:63:12_,
 1:71:11
 required^[6] - 1:27:19_,
 1:33:16_, 1:71:19_, 1:72:1_,
 1:72:3
 requirement^[2] -
 1:42:24_, 1:64:1
 requirements^[2] -
 1:10:12_, 1:56:2
 requires^[3] - 1:5:22_,
 1:60:5_, 1:71:11
 requiring^[2] - 1:49:19_,
 1:65:4
 rescind^[2] - 1:53:6_,
 1:53:7
 rescinded^[5] - 1:13:21_,
 1:53:13_, 1:53:18_, 1:54:4_,
 1:67:18
 rescission^[2] - 1:54:6_,
 1:54:13
 reservation^[1] - 1:8:14
 Reserve^[1] - 1:33:14
 resolutions^[2] - 1:25:22_,
 1:67:2
 resolve^[2] - 1:62:20_,
 1:70:13
 resort^[1] - 1:25:25
 resource^[1] - 1:58:20
 respect^[15] - 1:4:6_,
 1:5:7_, 1:5:20_, 1:5:25_,
 1:10:25_, 1:14:11_, 1:16:12_,
 1:19:23_, 1:21:24_,
 1:22:14_, 1:24:19_, 1:27:24_,
 1:44:10_, 1:58:14_,
 1:67:22
 respecting^[1] - 1:27:7
 respects^[1] - 1:15:19
 respond^[1] - 1:40:21
 response^[8] - 1:10:16_,
 1:40:22_, 1:44:1_, 1:45:7_,
 1:46:9_, 1:66:13_, 1:71:2_,
 1:71:6
 responses^[3] - 1:32:22_,
 1:64:22_, 1:65:6
 responsibility^[2] -
 1:20:3_, 1:65:21
 rest^[1] - 1:20:4
 restraint^[2] - 1:4:24_,
 1:7:3
 restricted^[2] - 1:27:5_,
 1:27:9
 restriction^[4] - 1:8:4_,
 1:12:3_, 1:29:5_, 1:30:7
 restrictions^[3] - 1:15:23_,
 1:20:22_, 1:30:4
 restrictive^[2] - 1:18:25_,
 1:67:10
 restricts^[2] - 1:17:8_,
 1:21:8
 result^[1] - 1:7:3
 resume^[2] - 1:13:10_,
 1:72:20
 retro^[1] - 1:43:3
 retroactively^[1] -
 1:43:11
 retrospectively^[4] -
 1:42:16_, 1:42:21_, 1:43:11
 return^[1] - 1:46:19
 reversed^[2] - 1:40:11_,
 1:41:2
 review^[6] - 1:11:4_,
 1:11:13_, 1:21:11_, 1:38:6_,
 1:38:8_, 1:38:9
 reviewed^[1] - 1:4:8
 reviews^[1] - 1:9:22
 Reviews^[1] - 1:10:14
 revisit^[1] - 1:32:8
 revisited^[1] - 1:10:7
 Richmond^[1] - 1:8:10
 rider^[3] - 1:29:25_,
 1:47:13_, 1:47:15
 rights^[1] - 1:12:11
 rise^[1] - 1:23:19
 Robert^[3] - 1:56:13_,
 1:58:4_, 1:58:11
 robust^[1] - 1:36:11
 role^[5] - 1:19:12_,
 1:34:21_, 1:39:24_, 1:63:18_,
 1:65:19
 room^[1] - 1:4:11
 rule^[4] - 1:14:4_, 1:14:13_,
 1:20:7_, 1:27:25

Rule [3] - 1:6:12, 1:17:20
 -, 1:69:17
 rules [1] - 1:27:14
 ruling [1] - 1:70:21
 run [1] - 1:37:4
 Ryder [2] - 1:43:17, 1:45:15

S

Sasha [1] - 1:3:18
 Saturday [1] - 1:54:8
 savings [1] - 1:16:2
 Scalia [1] - 1:29:3
 scenario [1] - 1:54:9
 scheme [1] - 1:22:25
 scientific [1] - 1:37:22
 SCO [2] - 1:38:21, 1:39:17
 scope [5] - 1:13:7, 1:21:6, 1:23:16, 1:45:4, 1:66:5
 seated [1] - 1:3:2
 second [8] - 1:4:2, 1:4:11, 1:5:6, 1:19:11, 1:44:15, 1:47:5, 1:63:21, 1:67:15
 second-floor [1] - 1:4:11
 Section [1] - 1:10:11
 section [1] - 1:10:13
 see [13] - 1:15:17, 1:17:21, 1:21:1, 1:31:25, 1:41:15, 1:43:25, 1:46:15, 1:49:8, 1:50:25, 1:64:17, 1:68:13, 1:68:16, 1:72:22
 seek [2] - 1:47:1, 1:48:25
 seeking [4] - 1:16:23, 1:16:24, 1:17:2, 1:69:6
 seem [2] - 1:32:7, 1:33:18
 selective [1] - 1:27:21
 semi [1] - 1:9:22
 semi-annual [1] - 1:9:22
 Senate [3] - 1:9:25, 1:63:14, 1:63:25
 sense [6] - 1:12:25, 1:26:7, 1:39:8, 1:39:15, 1:65:2, 1:66:2
 sentence [1] - 1:9:20
 separate [3] - 1:22:18, 1:65:6, 1:68:14

separation [14] - 1:8:17, 1:8:21, 1:12:9, 1:13:1, 1:13:9, 1:30:11, 1:40:15, 1:41:3, 1:41:8, 1:68:14, 1:68:17, 1:68:22, 1:70:14, 1:72:5
 September [2] - 1:37:4, 1:37:12
 seq [1] - 1:35:22
 series [3] - 1:5:13, 1:10:12, 1:24:3
 serious [1] - 1:45:1
 seriously [2] - 1:44:15, 1:45:1
 serve [2] - 1:13:17, 1:14:3
 set [2] - 1:4:1, 1:69:2
 sets [1] - 1:67:17
 setting [4] - 1:4:23, 1:18:21, 1:23:10, 1:33:21
 setup [1] - 1:4:11
 seven [1] - 1:51:10
 SGs [1] - 1:65:5
 shall [2] - 1:9:21, 1:49:20
 share [1] - 1:38:16
 Shelby [2] - 1:43:19, 1:45:14
 shifting [1] - 1:60:11
 short [1] - 1:12:18
 sic [2] - 1:42:23, 1:43:20
 side [9] - 1:18:23, 1:31:9, 1:33:23, 1:34:18, 1:44:19, 1:46:14, 1:51:3, 1:52:4
 side-by-side [1] - 1:18:23
 sides [2] - 1:59:23, 1:71:15
 signal [1] - 1:64:15
 significance [2] - 1:66:15, 1:67:5
 similar [3] - 1:14:17, 1:23:24, 1:29:21
 simply [2] - 1:41:6, 1:45:3
 situation [6] - 1:11:17, 1:11:20, 1:21:11, 1:47:20, 1:60:4, 1:68:25
 situations [4] - 1:28:12, 1:29:9, 1:33:9, 1:67:17
 six [6] - 1:37:1, 1:37:4, 1:37:8, 1:38:24, 1:39:16
 six-month [5] - 1:37:1, 1:37:4, 1:37:8, 1:38:24, 1:39:16
 Smith [4] - 1:4:5, 1:5:8, 1:12:3, 1:13:23
 so. [1] - 1:50:21
 sole [1] - 1:62:18
 Solicitor [2] - 1:62:12, 1:63:13
 someone [3] - 1:47:8, 1:56:25, 1:64:19
 sometimes [2] - 1:37:22, 1:58:21
 somewhat [1] - 1:59:5
 sorry [5] - 1:29:1, 1:40:18, 1:43:4, 1:51:24, 1:53:14
 sort [31] - 1:14:19, 1:16:6, 1:16:24, 1:19:11, 1:28:13, 1:29:20, 1:43:3, 1:43:23, 1:44:12, 1:45:13, 1:45:22, 1:46:21, 1:47:25, 1:48:7, 1:48:8, 1:50:7, 1:51:3, 1:51:14, 1:54:7, 1:54:15, 1:55:6, 1:55:8, 1:55:20, 1:57:10, 1:58:17, 1:59:18, 1:60:6, 1:60:8, 1:60:12, 1:60:13, 1:67:20
 sought [2] - 1:17:3, 1:48:18
 source [4] - 1:33:16, 1:41:5, 1:41:17, 1:42:8
 sources [2] - 1:59:8, 1:70:11
 space [3] - 1:46:16, 1:53:13, 1:53:15
 speaking [3] - 1:15:4, 1:68:21, 1:72:8
 Special [58] - 1:3:8, 1:4:5, 1:4:19, 1:6:4, 1:8:9, 1:13:2, 1:15:24, 1:16:5, 1:18:23, 1:19:3, 1:19:9, 1:19:14, 1:21:3, 1:21:16, 1:21:20, 1:26:24, 1:28:8, 1:28:14, 1:28:22, 1:30:12, 1:30:19, 1:30:24, 1:31:2, 1:36:7, 1:36:19, 1:36:25, 1:37:4, 1:37:23, 1:39:2, 1:39:11, 1:41:25, 1:42:13, 1:44:3, 1:45:6, 1:46:6, 1:48:14, 1:49:12, 1:51:4, 1:51:9, 1:51:22, 1:51:23, 1:52:3, 1:53:11, 1:56:8, 1:56:10, 1:56:22, 1:57:5, 1:57:11, 1:57:15, 1:57:18, 1:57:23, 1:60:3, 1:60:12, 1:69:1, 1:69:23, 1:70:15

-, 1:70:23, 1:70:25
 special [20] - 1:19:2, 1:20:20, 1:21:12, 1:27:4, 1:27:17, 1:28:3, 1:35:4, 1:36:5, 1:50:5, 1:51:10, 1:53:15, 1:54:6, 1:55:13, 1:55:16, 1:55:21, 1:56:4, 1:56:14, 1:58:21, 1:58:23
 specific [10] - 1:9:6, 1:25:17, 1:26:7, 1:34:23, 1:35:15, 1:37:20, 1:42:1, 1:55:24, 1:69:1
 specifically [1] - 1:56:12
 specifics [2] - 1:68:14, 1:72:14
 spend [2] - 1:17:8, 1:30:1
 spending [1] - 1:16:25
 spent [6] - 1:5:11, 1:11:15, 1:40:7, 1:66:25, 1:67:2, 1:67:9
 squarely [1] - 1:7:12
 stake [1] - 1:72:1
 stand [1] - 1:48:11
 standard [1] - 1:42:2
 standing [11] - 1:6:5, 1:6:8, 1:6:14, 1:16:18, 1:30:23, 1:46:21, 1:46:24, 1:47:19, 1:47:23, 1:48:17, 1:48:20
 Stanley [1] - 1:3:18
 start [4] - 1:9:7, 1:19:1, 1:48:20, 1:66:13
 starting [3] - 1:3:7, 1:43:19, 1:45:19
 starts [2] - 1:25:16, 1:34:15
 state [4] - 1:3:7, 1:10:8, 1:17:12, 1:30:2
 statement [1] - 1:55:10
 statements [1] - 1:37:2
 States [18] - 1:3:4, 1:3:10, 1:21:5, 1:21:8, 1:30:22, 1:31:3, 1:31:24, 1:32:1, 1:33:5, 1:42:23, 1:43:6, 1:45:18, 1:62:1, 1:62:2, 1:62:9, 1:62:15
 status [1] - 1:64:15
 statute [15] - 1:5:21, 1:9:1, 1:12:6, 1:49:7, 1:49:11, 1:49:23, 1:52:12, 1:55:11, 1:56:20, 1:56:24, 1:57:7, 1:57:13, 1:58:12, 1:58:15, 1:63:12
 statutes [6] - 1:5:13, 1:70:23, 1:70:25

1:5:15_, 1:14:23_, 1:36:22_,
1:50:19_, 1:63:12
statutorily [1]_ - 1:63:18
statutory [29]_ - 1:5:5_,
1:9:6_, 1:9:11_, 1:11:23_,
1:13:13_, 1:22:25_, 1:24:24
, 1:26:23, 1:31:7_, 1:31:10
, 1:32:3, 1:33:23_, 1:34:9_,
1:35:1_, 1:35:7_, 1:35:16_,
1:44:13_, 1:47:18_, 1:49:14
, 1:49:15, 1:50:19_,
1:51:15_, 1:55:6_, 1:57:1_,
1:57:14_, 1:57:19_, 1:58:16
, 1:63:15, 1:64:1
still [8]_ - 1:10:17_, 1:18:11
, 1:34:12, 1:35:6_, 1:49:10
, 1:52:12, 1:65:19_,
1:65:20
stipulate [1]_ - 1:51:20
Stone [11]_ - 1:6:8_, 1:6:13
, 1:6:18, 1:6:21_, 1:6:22_,
1:7:12_, 1:7:14_, 1:16:20_,
1:36:3_, 1:47:7_, 1:52:19
strained [1]_ - 1:5:4
strategic [1]_ - 1:6:18
strike [2]_ - 1:10:20_,
1:52:6
striking [1]_ - 1:60:16
strong [1]_ - 1:71:2
strongly [1]_ - 1:11:19
struck [4]_ - 1:10:2_,
1:10:12_, 1:12:1_, 1:67:25
structured [1]_ - 1:55:8
Studies [1]_ - 1:10:14
styled [1]_ - 1:4:3
subject [5]_ - 1:10:13_,
1:12:2_, 1:16:14_, 1:27:4_,
1:28:3
subjecting [1]_ - 1:64:17
submission [2]_ - 1:22:15
_, 1:45:25
submit [10]_ - 1:11:19_,
1:12:13_, 1:14:24_, 1:26:2_,
1:26:20_, 1:68:1_, 1:68:19_,
1:68:25_, 1:70:4_, 1:70:20
subsequent [1]_ -
1:29:19
substance [1]_ - 1:69:17
substantially [1]_ -
1:28:20
substantiation [1]_ -
1:48:7
substantive [9]_ - 1:14:2
, 1:14:3, 1:14:13_, 1:15:2_,
1:30:5_, 1:44:1_, 1:46:9_,
1:47:9_, 1:48:22
suffering [1]_ - 1:6:25
sufficient [3]_ - 1:22:21_,
1:52:1_, 1:52:13
sufficiently [1]_ - 1:68:2
suggest [1]_ - 1:31:9
suggested [2]_ - 1:40:10
_, 1:42:20
suggestion [7]_ - 1:6:3_,
1:7:18_, 1:10:5_, 1:10:6_,
1:24:5_, 1:53:25_, 1:59:17
suggests [2]_ - 1:34:4_,
1:63:3
summarizing [1]_ -
1:15:2
superior [2]_ - 1:60:21_,
1:62:4
superior/inferior [1]_ -
1:21:24
supervising [1]_ - 1:53:10
supervision [4]_ - 1:52:2
, 1:58:17, 1:61:22_, 1:70:3
supervisor [2]_ - 1:54:23
_, 1:54:24
supplemental [9]_ - 1:4:6
, 1:6:4, 1:37:25_, 1:44:22_,
1:45:23_, 1:49:2_, 1:58:8_,
1:68:16
supplementally [1]_ -
1:39:23
support [4]_ - 1:7:12_,
1:15:17_, 1:39:11_, 1:46:8
supporting [1]_ - 1:39:2
supports [6]_ - 1:6:13_,
1:6:16_, 1:7:15_, 1:11:19_,
1:67:9_, 1:68:6
Supreme [18]_ - 1:4:7_,
1:8:11_, 1:14:7_, 1:14:18_,
1:33:11_, 1:41:2_, 1:41:4_,
1:41:9_, 1:42:19_, 1:43:6_,
1:43:19_, 1:45:20_, 1:49:5_,
1:49:21_, 1:54:21_, 1:61:1_,
1:68:13_, 1:69:8
survey [2]_ - 1:58:21_,
1:58:24
survives [1]_ - 1:35:7
surviving [2]_ - 1:34:8_,
1:35:8
synonymous [1]_ -
1:57:10
tantamount [1]_ - 1:64:19
tap [1]_ - 1:42:8
tasked [1]_ - 1:10:21
technical [1]_ - 1:14:19
temporal [1]_ - 1:24:19
ten [1]_ - 1:17:17
tension [4]_ - 1:5:6_,
1:18:21_, 1:59:18_, 1:71:16
term [11]_ - 1:5:9_, 1:5:10_,
1:24:2_, 1:24:24_, 1:26:2_,
1:31:19_, 1:56:7_, 1:56:8_,
1:56:22_, 1:57:4_, 1:63:1
termination [1]_ - 1:56:4
terms [11]_ - 1:5:9_, 1:5:17
, 1:9:4, 1:9:19_, 1:20:13_,
1:29:17_, 1:31:1_, 1:38:18_,
1:55:14_, 1:66:22_, 1:72:13
Terry [1]_ - 1:59:3
test [1]_ - 1:65:9
text [14]_ - 1:5:5_, 1:5:21_,
1:8:1_, 1:8:22_, 1:9:13_,
1:9:14_, 1:22:7_, 1:22:19_,
1:28:21_, 1:30:13_, 1:34:9_,
1:35:9_, 1:36:12_, 1:66:14
textual [1]_ - 1:25:15
textually [1]_ - 1:5:8
THE [124]_ - 1:3:2_, 1:3:11
, 1:3:16, 1:3:21_, 1:3:25_,
1:4:16_, 1:5:16_, 1:6:2_,
1:6:24_, 1:7:17_, 1:8:24_,
1:9:4_, 1:9:20_, 1:10:24_,
1:12:5_, 1:12:15_, 1:12:20_,
1:12:22_, 1:12:24_, 1:13:10
, 1:14:25, 1:15:15_,
1:15:21_, 1:16:10_, 1:16:14
, 1:16:23, 1:17:2_, 1:18:6_,
1:18:21_, 1:20:6_, 1:20:10_,
1:21:20_, 1:22:12_, 1:22:23
, 1:25:25, 1:26:22_,
1:29:15_, 1:30:18_, 1:31:6_,
1:31:11_, 1:31:15_, 1:31:22
, 1:32:5, 1:32:8_, 1:32:16_,
1:32:24_, 1:33:2_, 1:33:18_,
1:34:6_, 1:34:14_, 1:35:6_,
1:35:11_, 1:35:24_, 1:36:10
, 1:36:18, 1:36:24_, 1:37:9
, 1:37:15, 1:38:6_, 1:38:18
, 1:39:15, 1:40:2_, 1:40:14
, 1:40:19, 1:40:23_, 1:41:9
, 1:41:15, 1:42:2_, 1:42:6_,
1:42:15_, 1:43:4_, 1:43:7_,
1:43:9_, 1:43:25_, 1:44:22_,
1:45:3_, 1:45:24_, 1:46:11_,
1:46:17_, 1:46:19_, 1:47:10
, 1:47:17, 1:48:6_, 1:48:16
, 1:49:1, 1:49:17_, 1:50:9_,
1:50:22_, 1:51:13_, 1:51:19
, 1:52:10, 1:52:20_,
1:53:12_, 1:53:15_, 1:53:20
, 1:53:23, 1:54:9_, 1:54:13
, 1:54:18, 1:55:9_, 1:56:7_,
1:57:4_, 1:57:17_, 1:58:2_,
1:58:5_, 1:58:20_, 1:59:9,
1:59:11_, 1:59:16_, 1:60:19
, 1:61:4, 1:61:15_, 1:61:21
, 1:62:3, 1:62:21_, 1:63:11
, 1:64:7, 1:64:10_, 1:64:13
, 1:65:1, 1:65:19_, 1:66:7_,
1:66:10_, 1:72:18
themselves [1]_ - 1:51:25
therefore [3]_ - 1:9:1_,
1:17:24_, 1:53:8
thinking [1]_ - 1:26:4
thinks [1]_ - 1:20:19
third [1]_ - 1:27:3
threat [2]_ - 1:7:2_, 1:7:9
threatened [1]_ - 1:69:4
three [4]_ - 1:17:19_,
1:25:15_, 1:38:2_, 1:58:7
threshold [2]_ - 1:29:12_,
1:32:19
thrust [2]_ - 1:33:18_,
1:40:25
ties [1]_ - 1:47:2
Tillman [4]_ - 1:44:1_,
1:45:7_, 1:45:8_, 1:46:5
timing [1]_ - 1:37:7
title [1]_ - 1:10:13
Title [3]_ - 1:6:1_, 1:11:6_,
1:14:23
today [3]_ - 1:18:17_,
1:56:19_, 1:71:17
Todd [1]_ - 1:3:13
together [1]_ - 1:5:17
took [1]_ - 1:17:16
top [4]_ - 1:39:4_, 1:44:9_,
1:44:25_, 1:63:9
top-line [2]_ - 1:44:9_,
1:44:25
topic [1]_ - 1:69:10
total [2]_ - 1:38:21_,
1:40:11
Total [1]_ - 1:39:16
touch [2]_ - 1:10:3_,
1:66:12
touched [1]_ - 1:71:15
trace [1]_ - 1:51:14
traceable [1]_ - 1:6:25
track [2]_ - 1:6:17_,

1:38:13
 tracking^[1] - 1:61:22
 traditional^[1] - 1:48:16
 trail^[1] - 1:72:10
 transform^[1] - 1:63:25
 travel^[1] - 1:5:17
 Treasury^[2] - 1:8:15_,
 1:49:20
 treasury^[2] - 1:32:2_,
 1:33:7
 true^[4] - 1:18:19_, 1:39:5
 -, 1:59:23_, 1:70:24
 truly^[1] - 1:72:8
 Trump^[6] - 1:3:5_, 1:3:14
 -, 1:7:3_, 1:11:12_, 1:71:7_,
 1:72:8
 Trump's^[1] - 1:4:3
 Trustee^[1] - 1:42:23
 try^[2] - 1:42:21_, 1:72:17
 trying^[6] - 1:39:15_,
 1:40:3_, 1:45:4_, 1:47:22_,
 1:47:24_, 1:50:18
 turning^[1] - 1:49:9
 turns^[1] - 1:50:2
 twice^[1] - 1:63:4
 two^[28] - 1:5:2_, 1:5:9_,
 1:7:11_, 1:8:3_, 1:10:24_,
 1:11:8_, 1:13:4_, 1:19:23_,
 1:22:8_, 1:22:18_, 1:25:11_,
 1:25:14_, 1:28:16_, 1:31:25
 -, 1:32:14_, 1:34:5_, 1:36:2_,
 1:48:12_, 1:51:6_, 1:51:25_,
 1:53:3_, 1:64:22_, 1:65:2_,
 1:65:6_, 1:66:15_, 1:69:22_,
 1:70:21
 two-day^[1] - 1:69:22
 twofold^[1] - 1:44:9
 type^[8] - 1:8:16_, 1:11:17
 -, 1:18:2_, 1:23:17_, 1:68:20
 -, 1:69:5
 types^[5] - 1:6:11_,
 1:11:11_, 1:13:5_, 1:14:9_,
 1:68:12
 typical^[1] - 1:60:6
 typically^[1] - 1:55:24

U

U.S^[14] - 1:8:11_, 1:11:21
 -, 1:14:7_, 1:14:18_, 1:60:21
 -, 1:61:4_, 1:61:9_, 1:61:15_,
 1:61:19_, 1:63:12_, 1:64:5_,
 1:64:7_, 1:65:4_, 1:70:3
 U.S.C^[12] - 1:9:8_,

1:9:15_, 1:26:10_, 1:32:5_,
 1:33:3_, 1:34:7_, 1:34:15_,
 1:34:20_, 1:35:18_, 1:35:22
 -, 1:36:20_, 1:66:17
 Ultimate^[1] - 1:20:3
 ultimate^[2] - 1:20:7_,
 1:24:18
 ultimately^[6] - 1:8:2_,
 1:18:3_, 1:19:4_, 1:23:18_,
 1:54:10_, 1:63:25
 unacceptable^[1] -
 1:72:4
 unbounded^[1] - 1:12:16
 under^[50] - 1:7:19_,
 1:7:22_, 1:8:16_, 1:14:17_,
 1:17:7_, 1:18:8_, 1:18:9_,
 1:18:15_, 1:19:3_, 1:19:8_,
 1:19:9_, 1:19:12_, 1:19:13_,
 1:21:7_, 1:26:21_, 1:27:4_,
 1:27:19_, 1:28:4_, 1:28:10_,
 1:29:3_, 1:30:10_, 1:30:11_,
 1:31:1_, 1:34:19_, 1:35:1_,
 1:36:5_, 1:38:2_, 1:39:6_,
 1:42:24_, 1:49:25_, 1:51:11
 -, 1:51:21_, 1:51:23_, 1:52:3
 -, 1:52:8_, 1:52:13_, 1:53:1_,
 1:53:2_, 1:53:5_, 1:55:6_,
 1:55:19_, 1:56:21_, 1:56:24
 -, 1:57:1_, 1:57:2_, 1:57:13_,
 1:57:16_, 1:58:11_, 1:65:9_,
 1:70:2
 underlying^[1] - 1:7:20
 understood^[2] - 1:46:17
 -, 1:63:8
 undo^[3] - 1:42:21_,
 1:43:23_, 1:43:24
 uniform^[1] - 1:42:25
 United^[18] - 1:3:4_,
 1:3:10_, 1:21:5_, 1:21:8_,
 1:30:22_, 1:31:3_, 1:31:24_,
 1:32:1_, 1:33:5_, 1:42:23_,
 1:43:6_, 1:45:18_, 1:62:1_,
 1:62:2_, 1:62:9_, 1:62:15
 universe^[1] - 1:40:4
 unlawful^[1] - 1:4:4
 unless^[1] - 1:36:17
 unlike^[1] - 1:53:5
 unprecedented^[1] -
 1:71:21
 un rebutted^[1] - 1:22:2
 up^[8] - 1:16:18_, 1:21:15
 -, 1:43:17_, 1:44:7_, 1:47:24
 -, 1:56:20_, 1:59:25_,
 1:60:19
 uses^[2] - 1:23:11_,
 1:24:1

usual^[1] - 1:4:10

V

vacatur^[1] - 1:54:14
 vague^[1] - 1:72:13
 valid^[4] - 1:5:23_, 1:8:5_,
 1:8:13_, 1:8:18
 various^[3] - 1:35:13_,
 1:53:17_, 1:63:11
 vein^[1] - 1:48:17
 version^[6] - 1:6:7_,
 1:16:1_, 1:23:19_, 1:23:20_,
 1:24:14_, 1:61:8
 versions^[1] - 1:45:15
 versus^[4] - 1:18:9_,
 1:18:24_, 1:24:22_, 1:59:20
 veto^[1] - 1:21:14
 view^[16] - 1:4:12_,
 1:21:25_, 1:26:22_, 1:42:10
 -, 1:46:21_, 1:46:22_, 1:49:4
 -, 1:49:10_, 1:49:13_,
 1:50:15_, 1:51:5_, 1:52:1_,
 1:52:12_, 1:62:16_, 1:63:23
 -, 1:67:10
 views^[3] - 1:42:6_,
 1:52:16_, 1:52:18
 vindicating^[1] - 1:6:10
 violation^[5] - 1:29:12_,
 1:43:22_, 1:43:24_, 1:44:13
 -, 1:45:2
 voluntarily^[1] - 1:69:14

W

waiting^[2] - 1:25:22_,
 1:67:3
 walk^[1] - 1:47:22
 walked^[1] - 1:7:14
 walks^[1] - 1:68:12
 Waltine^[1] - 1:3:5
 wants^[1] - 1:36:17
 warrant^[1] - 1:46:9
 warranted^[1] - 1:17:12
 wary^[1] - 1:12:9
 Watergate^[2] - 1:14:11
 -, 1:23:16
 ways^[4] - 1:8:3_, 1:68:13
 -, 1:69:5_, 1:72:17
 web^[1] - 1:36:25
 week^[4] - 1:23:8_, 1:31:4
 -, 1:31:14_, 1:42:22
 weekend^[1] - 1:4:1

weight^[1] - 1:64:24
 Wharton^[1] - 1:3:13
 whatnot^[1] - 1:64:24
 whatsoever^[1] - 1:42:17
 whole^[1] - 1:49:8
 widely^[1] - 1:45:14
 Wilke^[1] - 1:58:14
 wish^[1] - 1:72:22
 wishing^[1] - 1:4:12
 WOODWARD^[1] -
 1:3:17
 Woodward^[1] - 1:3:18
 word^[1] - 1:52:5
 words^[3] - 1:30:3_,
 1:33:24_, 1:34:16
 works^[1] - 1:65:14
 written^[4] - 1:27:6_,
 1:27:10_, 1:27:19_, 1:59:5

Y

yank^[1] - 1:55:13
 year^[3] - 1:37:23_, 1:38:4
 -, 1:42:3
 years^[3] - 1:23:13_,
 1:24:10_, 1:35:13
 Younger^[1] - 1:6:20